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ABSTRACT

This document contains a report by the House of Representatives' Committee on Education and Labor concerning the bill H.R. 1801 to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992. Included in the report are an introduction, a discussion of committee action, an explanation of the background and need for the legislation, an explanation of the bill, a statement of committee approval, an oversight statement, an inflationary impact statement, oversight findings and recommendations of the Committee on Government Operations, an estimation of the cost of the legislation, and a section-by-section analysis of the bill. The text of the bill is included, with amendments in italic type. The committee's recommendation to continue the Juvenile Justice and Delinquency Prevention Act of 1974, authorizing appropriations for fiscal years 1989, 1990, 1991, and 1992 is included. (NB)

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ED297243

100TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
100-605

JUVENILE JUSTICE AND DELINQUENCY PREVENTION AMENDMENTS OF 1988

MAY 5, 1988.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAWKINS, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 1801]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 1801) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

CG 021025

I. INTRODUCTION

In reporting H.R. 1801, the Committee proposes to continue the Juvenile Justice and Delinquency Prevention Act of 1974, authorizing appropriations for fiscal years 1989, 1990, 1991, and 1992.

II. COMMITTEE ACTION

On March 25, 1987, Mr. Kildee and Mr. Tauke introduced H.R. 1801, which was referred to the Committee on Education and Labor.

The Subcommittee on Human Resources held five days of hearings on H.R. 1801, three of which were held in Washington, D.C. on September 11, 1987, January 29, 1988, and February 18, 1988.

Testifying at the September 11 hearing were: Barry Krisberg, Ph.D., President, National Council on Crime and Delinquency;

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Richard J. Gardell, Member, National Steering Committee, National Coalition of State Juvenile Justice Advisory Groups; Gerald E. Radcliffe, Esq., Chairman, Legislation and Governmental Relations Committee, National Council of Juvenile and Family Court Judges; Luke Quinn, Esq., Chairman, Juvenile Justice Subcommittee, National Association of Counties; James W. Brown, Project Director, Community Research Associates; Guy P. Fournier, Vice-Chair, Vermont Children and Family Council for Prevention Programs; Christopher Fleury, Youth Member, Vermont Children and Family Council for Prevention Programs, Augustine C. Baca, Executive Director, Youth Development, Inc.; Beth E. Farnbach, Executive Director, Temple Law, Education, and Participation, Pennsylvania Law-Related Education, Training and Dissemination Project.

Testifying before the Subcommittee on January 29 were: Paget Hinch, Associate Commissioner for Family and Youth Services, Administration for Children, Youth and Families, Department of Health and Human Services; Beverly Edmonds, Executive Director, Metro-Help; James H. Walker, Chair, Board of Directors, National Network of Runaway and Youth Services; Deborah Shore, Executive Director, Sasha Bruce Youthwork; Carol Thomas-Smedes, Vice President, Michigan Network of Runaway and Youth Services; Hida Avent, Executive Director, Stepping Stone; Mike Montoya, participant in A Step Forward, The Sanctuary.

Appearing at the February 18 hearing were: Honorable Tom Lewis, Member of Congress; Ernest E. Allen, Chairman of the Board of Directors, National Center for Missing and Exploited Children; Ward Leber, President, International Missing Children's Foundation; Janet Dinsmore, Ad Hoc Coalition for Juvenile Justice and Delinquency Prevention; William A. Bogan, Executive Vice President, National Coalition of Hispanic Health and Human Service Organizations; Tom McDonald, Esq., First Vice-President, National Court Appointed Special Advocate Association; Donna Gary, National Board Member, National Council of Jewish Women; Ronald L. Williams, Executive Director, Covenant House (Under 21).

The Subcommittee also held two field hearings on H.R. 1801, one in Des Moines, Iowa on December 4, 1987 and one in Akron, Ohio on March 5, 1988.

Witnesses in Des Moines, Iowa included: Gil Cerveny, Juvenile Justice Specialist, Iowa Commission on Children, Youth and Families; Allison Fleming, Chair, State Advisory Group for Juvenile Justice; Honorable Betty Jean Clark, State Representative; Earl Kelly, Executive Director, Orchard Place; Bill McCarty, Executive Director, Youth Homes, Inc.; Jim Swaim, Director, United Action for Youth; Garry Hammond, Hillcrest Family Services; Pat Hendrickson, Chief Juvenile Court Officer, Seventh Judicial District Court; Honorable Julia Gentleman, State Senator; Sergeant Dale Patch, President, Iowa State Policeman's Association; Alan Allbee, Juvenile Court Referee, First Judicial District Court.

The following witnesses testified at the reauthorization hearing in Akron, Ohio: Honorable William P. Kannel, Judge, Summit County Juvenile Court; Ann Kleon, Cuyahoga Falls, OH, accompanied by her son Joseph; Dave Fair, Executive Director, Shelter Care, Inc.; Honorable Jane L. Campbell, State Representative; Jane

Yackshaw, Director, Safe Space Station; Sally Maxton, Executive Director, Ohio Youth Services Network; Midge Marangi, Director, New Horizons Shelter.

H.R. 1801 was considered, amended, and ordered reported to the full Committee on Education and Labor on April 14, 1988. On April 28, 1988, the bill was considered and ordered reported by the Committee with an amendment by voice vote.

III. Background and Need for Legislation

Background

Federal concern for juvenile justice was expressed as early as 1912, when Congress created the Children's Bureau and authorized it to investigate juvenile courts as well as other issues related to youth. Congress sought to develop a federal concentration of effort around youth services as early as 1948. Despite presidential requests in 1955 and 1957, no legislation was enacted to help state and local governments address the problem of delinquency until the passage of the Juvenile Delinquency and Youth Offenses Control Act of 1961. Under this law, the Department of Health, Education and Welfare (HEW) was authorized to assist states and localities in demonstrating improved methods for the prevention and treatment of juvenile delinquency.

Subsequently, the Juvenile Delinquency and Youth Offenses Control Act was reauthorized through 1967, and then was replaced by the Juvenile Delinquency Prevention and Control Act of 1968. Broader in scope than its predecessor, the 1968 Act authorized HEW to help states and localities strengthen their juvenile justice programs and to coordinate intergovernmental activities.

In 1968, the Congress also enacted the Omnibus Crime Control and Safe Streets Act, establishing the Law Enforcement Assistance Administration (LEAA). Under this Act, prevention and control of delinquency was authorized among the categories eligible for funding by the states. In 1971, Congress amended the Safe Streets Act to focus greater attention on juvenile delinquency.

During 1971, Congress also approved a one-year extension of the Juvenile Delinquency Prevention and Control Act and, in 1972, extended it again for an additional two years. At that time, an attempt was made to more clearly delineate the respective roles of LEAA and HEW. LEAA was to assist programs inside the juvenile justice system, while HEW was to fund prevention programs.

The Crime Control and Safe Streets Amendments of 1973 required still more emphasis on delinquency programs and recognized the need to prevent juvenile crime through coordinated action at all levels of government. Each state planning agency was required to specifically address delinquency in its comprehensive plan.

In 1974, as the Juvenile Delinquency Prevention and Control Act was about to expire, several bills were introduced to extend or replace it. The Equal Opportunities Subcommittee of the Education and Labor Committee gave extensive consideration to three bills: H.R. 13737, which would have amended and extended existing law and placed an emphasis on addressing the problems of runaway youth; H.R. 9298, the Runaway Youth Act; and H.R. 6265, which

provided for categorical and block grants to States and localities, required submission of a State plan, and mandated that 75 percent of the State funds be passed through to localities.

On June 6, 1974, after holding a series of hearings, the Subcommittee reported a clean bill, H.R. 15276, the Juvenile Delinquency Prevention Act of 1974. It was reported by the full Committee on Education and Labor, as amended, on June 12, 1974, and passed the House by a vote of 329 to 20 on July 1, 1974.

Earlier, in the Senate, Senator Bayh introduced S. 3148, the Juvenile Justice and Delinquency Prevention Act of 1972, which was referred to the Committee on the Judiciary. On February 8, 1973, Senators Bayh and Cook reintroduced S. 3148, with modifications, as S. 821. Following a series of hearings, the Subcommittee to Investigate Juvenile Delinquency reported S. 821, as amended, on March 5, 1974. On May 8, 1974 the Judiciary Committee reported the bill, which subsequently passed the Senate on July 25, 1974 by a vote of 88 to 1.

On July 31, 1974, the House considered and passed S. 821, amended, in lieu of H.R. 15276. President Ford signed it into law on September 7, 1974 (P.L. 93-415). The Act provided for an authorization of $350 million and the creation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Department of Justice, Law Enforcement Assistance Administration. Programs funded under title III of the act, The Runaway Youth Act, were to be administered by the Department of Health, Education and Welfare.

Other provisions of the 1974 Act included the creation of a Federal Coordinating Council to coordinate all federal juvenile delinquency programs, a national Advisory Committee for Juvenile Justice and Delinquency Prevention to provide citizen input, and a National Institute for Juvenile Justice and Delinquency Prevention to conduct training, evaluations, research, and demonstrations.

The Act provided for formula grants to States and to local public and private agencies. Special Emphasis Prevention and Treatment grants were also authorized to support innovative delinquency prevention programs and community-based alternatives to incarceration.

The Act further provided that status offenders must not be placed in secure facilities and that juveniles in correctional institutions must be held separately from adults.

In 1977, the Act was reauthorized for three additional years. H.R. 6111 was the primary House bill, incorporating administration amendments, as well as provisions from H.R. 1137, which proposed an additional focus on learning disabled children who become involved in the juvenile justice system. On May 5, 1977, H.R. 6111 was ordered reported to the House by the Committee on Education and Labor by a vote of 34 to 0 and was subsequently considered and passed by the House by a vote of 389 to 5.

On March 24, 1977, Senator Bayh introduced S. 1021 to reauthorize the Act. On April 1, 1977, he also introduced S. 1218, the administration's proposal. The Judiciary Committee reported S. 1021, combining portions of both Senate bills, on May 12, 1977. On June 21, 1977, the Senate considered and passed H.R. 6111, amended, in lieu of S. 1021. President Carter signed H.R. 6111, the Juvenile Jus-

tice Amendments of 1977, into law on October 3, 1977 (Public Law 95-115). These amendments added several improvements to the Act including an enhanced role for state advisory groups and new authority in Title III to serve homeless youth.

The Juvenile Justice and Delinquency Prevention Act of 1974 was reauthorized in 1980 for an additional four years. S. 2441 was introduced by Senator Bayh on March 19, 1980 and subsequently considered and approved by the Senate on May 20, 1980. The House bill (H.R. 6704) was introduced by Congressman Andrews on March 5, 1980 and reported by the Committee on Education and Labor on May 13, 1980. On November 19, 1980, the House took up the Senate bill, amended it with the provisions from the House bill, and approved S. 2441, as amended, by voice vote. On November 20, 1980, the Senate approved S. 2441, as amended and approved by the House. On December 8, 1980, President Carter signed the bill into law (Public Law 96-509).

This legislation changed the provisions of the Act by requiring the states to remove juveniles from adult jails and lockups, establishing OJJDP as a separate administrative entity under the general authority of the Attorney General, adding the valid court order exception, and changing the method of distributing funding under the Runaway Youth Act.

In 1984, the Act was again amended and extended for a period of four years. On February 29, 1984, Congressman Andrews introduced H.R. 4971, which was subsequently approved by the Committee on Education and Labor on April 26, 1984 and passed by the House on June 4, 1984. The Senate bill, S. 2014 was introduced by Senator Specter and Senator Hawkins on October 27, 1983 and was approved by the Committee on the Judiciary on May 10, 1984. On August 10, 1984, H.R. 2175, as amended with the provisions of S. 2014 was passed by the Senate. Subsequently, the House and Senate used H.J. Res. 648 (the continuing appropriations bill, 1985) to complete the reauthorization of the Act. H.J. Res. 648 was approved by President Reagan on October 12, 1984 (Public Law 98-473).

The 1984 amendments made a number of changes in the Act including improvements in the Special Emphasis program and the provisions governing the review of applications, an enhanced emphasis on strengthening the family unit, and the addition of a new Title IV, Missing Children's Assistance Act.

Need for the legislation

The Juvenile Justice and Delinquency Prevention Act authorizes three separate and distinct federal efforts: Titles I and II contain the juvenile justice provisions and are commonly referred to as the Juvenile Justice and Delinquency Prevention Act; Title III comprises the Runaway and Homeless Youth Act; and Title IV comprises the Missing Children's Assistance Act. Each program has an authorization of appropriations and therefore receives its own line item appropriation. Each program fulfills a unique and important Federal function.

The Juvenile Justice and Delinquency Prevention Act (JJDPA) authorizes a broad range of activities including federal policy coordination, research, training, and the development and testing of

innovative approaches to prevent or treat delinquency. The centerpiece of the Act is the formula grant program which allocates funds to the states. In return, the states agree to make improvements in their juvenile justice systems, such as placing status offenders (e.g., runaways and truants) in nonsecure programs rather than in detention and removing children from adult jails and lockups. However, the Act does not specifically prescribe how these goals must be accomplished. Instead, it helps each state make changes and fashion programs that fit its unique needs and circumstances. Additionally, the JJDPA accords a high priority to approaches which maintain and strengthen the family unit.

The result in many states has been that fewer youth are being inappropriately incarcerated and more are receiving treatment in family or community-centered programs, while still protecting the public safety. According to a 1986 state compliance report from the Justice Department, the number of status offenders and nonoffenders held in secure facilities were reduced by 96.5 percent over the previous seven years. Additionally, the number of juveniles held in adult jails and lockups were reduced by 64.7 percent over the previous 3 to 6 years.

However, testimony and other information presented to the Committee clearly indicates that there is still much to be accomplished. Justice Department data shows that, as of 1986, there were still more that 50,000 juveniles held in jails and lockups nationwide. The witnesses testifying before the Committee overwhelmingly argued that continued progress by the states is greatly dependent upon the federal leadership and resources provided under the JJDPA.

The Runaway and Homeless Youth Act (RHYA), complements state juvenile justice programs by authorizing grants to support runaway shelters, coordinated networks of shelters, and a national hotline. These shelters provide a wide variety of emergency and support services for troubled youth. Because these youth are frequently running away from troubled homes, the shelters attempt to help them by immediately notifying parents and by providing individual and family counseling. According to the Department of Health and Human Services, the RHYA assisted the operation of 307 local shelters which provided shelter and crisis intervention services to approximately 85,000 youth and one-time or "drop-in" services to another 255,000 youth in 1987. Additionally, 53 percent of the youth who received services were reunited with their families and 37 percent were placed in other positive living arrangements such as in the homes of relatives or foster families. Only 5 percent were not positively placed, and information concerning the disposition of the remaining 5 percent is unavailable.

Frequently, the receipt of federal funding serves as a kind of validation and facilitates efforts to obtain financial support from other sources. As a result, federal assistance on the average comprises approximately one third of a local shelter's operating budget. Despite a variety of funding sources, testimony before the Committee clearly indicated that many of the shelters have not been able to meet local demands for services and that the numbers of troubled youth and families requiring services continue to increase. Moreover, youth seeking services at runaway shelters increasingly have

multiple, serious problems requiring intensive treatment and a wide range of services.

The Missing Children's Assistance Act (MCAA), authorizes support for a range of activities designed to address the difficult issues surrounding the problem of missing children. Generally, these activities are not provided or supported by other federal programs. Examples include the operation of a toll-free telephone system, a national resource center and clearinghouse, financial assistance to private, nonprofit missing children agencies, and research on topics such as the national incidence of missing children cases. During the period, 1984 to 1987, the national resource center and clearinghouse provided to the public more than 1,700,000 copies of various publications free of charge.

The Committee views these important programs as an investment. Those troubled or endangered youth that we can help today are less likely to appear in the juvenile and criminal justice systems later.

For the foregoing reasons, H.R. 1801 proposes a four year extension of the authorizations of each of these programs and prescribes improvements in their operations as described in the next section.

IV. Explanation of the Bill

H.R. 1801 reauthorizes all titles of the Juvenile Justice and Delinquency Prevention Act for four additional years at the existing authorization levels of "such sums as may be necessary." The bill contains numerous amendments designed to promote better administration of the programs, to facilitate congressional oversight of the programs, to focus existing resources more effectively, and to authorize transitional living programs for homeless youth as well as prevention and treatment programs related to juvenile gangs.

TITLE I—AMENDEMENTS TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Office of Juvenile Justice and Delinquency Prevention

H.R. 1801 makes a number of important changes in Part A of Title II of the Act. The first is the elimination of the provision requiring the position of Deputy Administrator within the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In so proposing, the Committee is not suggesting that there should not be a Deputy Administrator, only that a statutory requirement including specified duties is unnecessary.

The second change is to require the administrator to annually develop and publish in the Federal Register a proposed program plan for public comment. The purpose of the program plan is to provide a comprehensive description of the activities the Administrator proposes to support with the funding available for Parts C and D, with particular attention to how each of the required activities will be addressed. This provision requires that, after taking into account the public comments, the Administrator must publish the final plan by December 31, of the fiscal year to which it applies. This will result in a more timely and responsive program planning process. The new statutory requirement will ensure earlier publication of the program plan, enabling OJJDP to avoid

lengthy delays in the publication of requests for proposals and the eventual awarding of grants and contracts. Additionally, timely publication will ensure an opportunity for input from the tremendous number of expert agencies, organizations, and individuals around the country that can be of assistance to OJJDP in developing a targeted and responsive plan.

The third change is to expand the mandate of the Coordinating Council on Juvenile Justice and Delinquency Prevention, which is chaired by the U.S. Attorney General. Currently the Coordinating Council is authorized to review the programs and practices of other federal agencies and to report on the extent to which these programs and practices are consistent with the provisions of section 223(a)(12)(A) and (13). The bill makes this authorized review and report a requirement and adds paragraph (14) of section 223(a). Additionally, the bill requires the Council to review the reasons why federal agencies take juveniles into custody and to make recommendations regarding how the practices and facilities of these agencies may be improved. The last comprehensive examination of this issue was begun in 1979. In September 1984, the Council received a report entitled, "Children in Federal Custody: An Assessment of Federal Policy and Practices" which stated:

> The findings presented in the following pages support two conclusions which are applicable to all five agencies. First, children are not a major priority; the amount of resources and energy directed towards the development of programs for the treatment or handling of youths in custody is minimal, often inadequate * * * Second, possibly because youths are not a priority, the monitoring systems of these agencies neither attempted nor succeeded in accounting for the identification, detention, or disposition of children in the federal system.

Since the submission of this report, the Coordinating Council has done very little, if anything, regarding children in federal custody. The Committee feels strongly that federal agencies should be encouraged to meet the same goals that the JJDPA holds out to the states.

The fourth change is to eliminate the current annual reporting requirements found in sections 204 and 245 of the Act and to substitute a new annual report to the President and the Congress. Section 105 includes specific requirements in data collection and analysis. In this regard, the Committee encourages OJJDP to continue the annual Children in Custody survey and analysis. It should be noted that by requiring and expanding the activities currently authorized in section 242 (Information Function), the bill also makes provision for whatever resources may be necessary to collect the data needed to complete this annual report over and above the amounts provided for Part A. The annual report must also include information on the status, results, and evaluation of activities funded under the Act. The Committee is particularly interested in the "determination of the feasibility and advisability of replicating such program or activity in other locations" required in the new section 207(4) of the JJDPA. Finally, the report requires a description of selected exemplary delinquency prevention programs for

which assistance is provided under this title. The Committee's intent is that this description should also include state and local programs and that the Administrator may wish to enlist the assistance of the state advisory groups for this purpose.

Technical assistance to States

Section 106 requires the Administrator, with up to two percent of the amount available for Formula Grants, to provide technical assistance to the states, units of local governments, and local private agencies to facilitate compliance with section 223 including implementation of the state plans. The Administrator must select a grantee or contractor with experience in providing this kind of technical assistance. Additionally, the grantee or contractor may not provide technical assistance to any local organization without first notifying the applicable state agency and appropriately coordinating its activities with that agency.

Minimum allocations to the States

Section 107 of the bill increases the minimum formula grant allocation to the states from $225,000 to $325,000 and to the territories from $56,500 to $75,000. In the event appropriations for Parts A, B, and C of Title II exceeds $75 million, these minima would increase to $400,000 and $100,000, respectively.

The Committee received convincing testimony in support of providing an increase in the minimum allocations for states and territories, which have not been increased since the enactment of the Juvenile Justice Amendments of 1977 (P.L. 95–115). Moreover, the increase is necessary to ensure that all states benefit from the increased percentage allocation for Part B. At the same time, the bill protects against any state receiving a disproportionate reduction in funding as a result of the minimum allocation increase.

Indian tribes

Section 108(a) of the bill includes several new provisions related to Indian tribes. The first provision amends paragraph (8) of section 223(a) to include, in the state plan analyses of juvenile crime problems, those geographical areas in which Indian tribes perform law enforcement functions. The second provision amends paragraph (5) of section 223(a) to provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior). In order to receive funding, the tribes must agree to attempt to comply with the mandates. Funding should be allocated among tribes within a state, with tribal input and based upon demonstrated need. However, because of the unique legal status of federally recognized Indian tribes, there should be a minimal number of requirements that these tribes need to satisfy in order to receive portions of formula grant funding from the states. These amendments respond to an interpretation of the Act by the Department of Justice providing that states are not responsible for compliance in those geographical areas within the state boundaries over which they have no law enforcement jurisdiction. The Committee agrees with this interpretation and, therefore, seeks to ensure that those Indian tribes performing law enforcement func-

tions and not subject to state jurisdiction are not excluded from the benefits of the Act.

Minority youth in the juvenile justice system

The bill contains three amendments designed to address the inequitable treatment of minority youth in the juvenile justice system. The first amendment requires that state plans "address efforts" to reduce the disproportionate incarceration of minority youth. The Committee intends that the states approach this in a comprehensive manner. They should employ a variety of strategies including: assessing the difference in arrest rates as well as the processing and handling (including rates and periods of incarceration) of minority versus white youth in the system; improving prevention and diversion programs in areas where minority youth are found; outreach to community-based organizations that serve minority youth; and reintegration programs for youth previously removed from the community so as to reduce the likelihood of recidivism.

The second and third amendments add a new required activity to the Special Emphasis Program and a new authorization in the National Institute for Juvenile Justice and Delinquency Prevention to support research. In designing its program announcements, OJJDP should take into consideration strategies and activities similar to those mentioned in the preceding paragraph relative to state plans. In all activities regarding minority youth, the Committee intends that the term "minority youth" be interpreted to include youth from ethnic as well as racial minority groups. In addition, data collection and federally-assisted services should distinguish between minority groups and between youth by gender.

These amendments come in response to numerous recommendations made during the hearings. According to information made available to the Committee, Hispanic male juveniles are incarcerated at a rate 2.6 times that of white male juveniles. For black male juveniles, the comparison with white male juveniles produces an even more appalling ratio of 4 to one. Between 1977 and 1983, the number of incarcerated minority youth increased by 26 percent, even as the number of these youth being arrested was declining. Thus, even though these youth are not committing more crimes, they are more likely to be incarcerated. Furthermore, minority youth are much more likely than white youth to be incarcerated in public institutions as opposed to private facilities. OJJDP can provide important leadership and assistance through identifying, acknowledging, and disseminating for replication, policies and practices which are racially and ethnically neutral and which have proven to produce neutral results, such as adopting objective criteria for determining the appropriate placement for youth.

Jail removal

The bill proposes several changes in the Act's provisions requiring states to remove juveniles from adult jails and lockups. The first is a four-year extension of the so-called "rural exception". This permits a state, which has complied with the applicable OJJDP regulations, to hold a youth accused of a criminal offense in a rural jail or lockup for a period of up to 24 hours (excluding

weekends and holidays). The Committee, in extending this authority, recognizes that rural jurisdictions frequently face difficult obstacles to compliance involving distance, transportation, and staffing. At the same time, statistics clearly show that youth are many times more likely to commit suicide in a secure adult facility than in juvenile detention. For this reason, the Committee supports the "continuous visual supervision" language in the current regulations. The Committee also wishes to reaffirm the six-hour "rule of reason" set out in the Committee report of 1980, House Report 96-946.

The second amendment changes the jail removal compliance provisions. Section 108(d) of the bill amends section 223(c) of the Act to provide additional criteria for establishing whether a state is in substantial compliance. The current standard of a 75 percent reduction in the number of juveniles held in adult jails and lockups is retained primarily for the benefit of those states that have satisfied it. For those states still attempting to demonstrate substantial compliance, they may satisfy either the current 75 percent reduction standard or the new standard which involves an assessment and determination by the Administrator based upon four criteria. One of the criteria requires a state to demonstrate "meaningful progress in removing other juveniles from jails and lockups for adults." This criterion should not be interpreted too narrowly. For example, a state may be able to demonstrate meaningful progress by showing a large reduction in the number of local jurisdictions that still jail children. This amendment is necessary to ensure that states making satisfactory progress are permitted to continue participating in the Act. When the 1985 monitoring reports were producing some inconsistent results. At the same time, the new substantial compliance standard should not be construed to be a more lenient one.

The committee bill does not change either the requirement of unequivocal commitment to achieving full compliance or the December 8, 1988 deadline for full compliance with the jail removal requirement.

Section 108(c) of the bill also amends section 223(c) of the Act to provide the Administrator with greater flexibility with regard to sanctions for states that fail to comply with the jail removal mandate. Regardless of circumstances, under current law, the Administrator has no choice but to terminate a state's eligibility. The bill changes this by permitting the Administrator to exercise his discretion to waive termination of eligibility on the condition that the noncompliant state agrees to spend all of its federal funding (excluding funds required to be expended to comply with section 222 (c) and (d) and section 223(a)(5)(C)) on jail removal. It should be noted that the bill makes this alternative sanction available with regard to enforcing the substantial and full compliance requirements. However, the Committee expects that this alternative sanction will be applied carefully to those cases in which the Administrator determines that (1) the noncompliant states have already made significant progress, and (2) additional funding is likely to produce further progress toward ultimate compliance.

There are still too many states having difficuity. It is critically important that OJJDP periodically reaffirm the value of state ef-

forts to improve the treatment of juveniles and to complement this with sufficient levels of technical assistance, including a stronger commitment of resources within the Office to its State Relations and Assistance Division. The Committee heard from many state agencies that frequent visits from OJJDP staff constitute a valuable source of technical assistance.

State advisory groups

Section 109 of the bill amends section 241 of the Act to improve the provisions regarding the national activities of state advisory groups (SAGs). This amendment requires the Administrator to provide technical and financial assistance to an organization composed of member representatives of the state advisory groups appointed under section 223(a)(3). It further provides that the organization receiving the assistance shall conduct an annual conference relating to the activities of the SAGs.

The Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984 (Public Law 98-473) required the Administrator to provide, at least every other year, a conference for several enumerated purposes including advising the Congress and the President with regard to state perspectives on the operation of the Act and OJJDP. The Committee is concerned that the implementation of the provisions inserted in 1984 has been insufficient to enable the SAGs to meet their statutory responsibilities. For this reason, section 109 provides for assistance to be provided to an organization representing the SAGs. The Committee intends that this be handled in the manner of a grantor/grantee relationship. Accordingly, the SAGs should receive sufficient funding to accomplish all of their responsibilities under section 241, including the conducting of an annual conference.

National program

H.R. 1801 consolidates the major discretionary programs and activities of Title II in Part C, which is renamed "National Programs". This consolidated results in a more logical organization of the Act, simplifies the allocation of the annual appropriation among the various programs, and helps clarify the application of the competition and peer review requirements.

The Part C provisions of current law become "Subpart I—National Institute for Juvenile Justice and Delinquency Prevention". The bill amends section 242 (Information Function) to include the provision currently located in section 246(a) and makes the activities of section 242 mandatory. This is intended to strengthen OJJDP's role as a national resource for information on juvenile justice.

The bill also amends section 244 (Training Functions) to include the technical assistance and training provision currently located in section 204(b)(6) of the Act. The movement of this provision from section 204 should not be construed to place a lesser priority on this authority.

Section 113 of the bill moves the Special Emphasis Prevention and Treatment Programs, currently located in Subpart II of Part B, to Part C as a new Subpart II. This section modifies the provisions of the Special Emphasis Program by expanding the provision

regarding youth advocacy to include services which improve legal representation of youth. In the 21 years since the landmark decision of In re Gault (holding that certain due process rights apply to juvenile proceedings), it appears that there has been little improvement in representation for youth. Another modification to the youth advocacy provision is the addition of services which provide for the appointment of special advocates by courts. The Committee received compelling testimony showing the need for these services and describing the effective services provided by the Court Appointed Special Advocate (CASA) Program.

The bill makes a minor change to the Special Emphasis provision regarding law-related education. This change simply clarifies that Congress intends that these valuable programs be made available in a variety of community settings. Because of their effectiveness as a delinquency prevention strategy, the Committee believes their application should be expanded beyond elementary and secondary schools.

The bill also makes minor language changes to clarify congressional intent that grants under this program should be primarily directed toward the provision of services. OJJDP in recent years has funded a number of research and development grants under this authority. The Committee emphasizes that research and development should be funded under the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP). Once developed and tested, new programs or approaches should be funded to provide services under Special Emphasis. Once evaluated and proven effective, they should be introduced where possible into state and local programs through the Formula Grant Program in Part B.

During the reauthorization hearing, the Committee received compelling testimony relating to state subsides and how they have supported important improvements in services for youth in such states as Oregon, Virginia, and Pennsylvania. While the bill does not make any changes in the Act regarding state subsidies, the Committee recommends that the Administrator pay closer attention to the current authorization in the Special Emphasis Program for such subsidies.

Under H.R. 1801, the new Part C, Subpart II also contains the provisions governing consideration of grant applications, currently found in section 225 of the Act. The bill makes several minor changes in the language of this section designed to clarify congressional intent. First, the competition and peer review requirements apply to all activities in the new Part C subject to the exceptions contained in current law. Second, the term "new" in paragraphs (d)(1)(A) and (d)(2)(A) has been removed. In doing so, the Congress intends that OJJDP apply the competition and peer review requirements to each application for a new grant activity as well as to each application which proposes to continue an activity for a new project period.

In response to the competition and peer review requirements added to the Act in 1984, OJJDP developed a Peer Review Manual which has never been published in the Federal Register. This oversight should be corrected as soon as possible.

Special studies and reports

Section 114 of the bill requires OJJDP to conduct a study of conditions in detention and correctional facilities for juveniles and the extent to which these facilities meet recognized national professional standards.

This section also requires OJJDP to conduct a study of how Indian and Alaskan native juveniles, accused of committing offenses on or near reservations or villages, are treated under tribal or village justice systems, what resources are available to support community-based alternatives to incarceration, and the extent to which Indian tribes and Alaskan native organizations comply with the mandates of the Act. The bill makes the funding to support this study subject to section 7(b) of the Indian Self-Determination and Education Assistance Act. Therefore, the successful applicant for this study must, to the greatest extent feasible, provide preferences and opportunities to Indians for training and employment in connection with the administration of the grant, and provide preference in the award of subgrants to Indian organizations.

Each of these studies must be commenced within one year following the date of enactment of this bill and must be completed 3 years after such date.

Allocations

H.R. 1801 changes the percentage allocation that each part receives from the total annual appropriation for Title II.

Under current law, Part A receives no more than 7.5 percent of the total appropriation. The bill moves the technical assistance and training authority out of Part A to Part C, and, therefore, reduces the Part A allocation to 5 percent.

The Act currently requires that Part B receive no less than 81.5 percent of the total appropriation. Within that amount, the Administrator is required to allocate no less than 75 percent and no more than 85 percent of the Part B allocation to the Formula Grant Program. The remainder of the Part B allocation goes to the Special Emphasis Program. The Administrator has consistently exercised his authority to allocate the minimum amount to the Formula Grant Program which computes to 61 percent of the total appropriation. Allocating the maximum amount would have resulted in 69 percent of the total being available to the states.

Since the bill moves the Special Emphasis Program to Part C, this isolates the Formula Grant Program in Part B. To reflect this shift, the bill reduces the allocation for Part B from 81.5 percent of the total appropriation to 70 percent, thereby making it possible to increase the minimum formula grant allotment to states and territories while still producing a modest increase for the other states. Allocations to states have been virtually stagnant over the last several years. Yet, the Act places the greatest burden on states to implement its goals. Therefore, an increase in the Formula Grant Program is warranted.

Current law provides an 11 percent allocation for Part C to support the activities of NIJJDP. Under the bill, NIJJDP becomes Subpart I and Special Emphasis Program moved from Part B becomes Subpart II of Part C. To reflect this change, the bill in-

creases the allocation for Part C to 25 percent. Once the Special Emphasis and section 242 requirements have been met, the Administrator has complete discretion in expending the remainder of the 25 percent.

Juvenile Gang Prevention and Treatment Program

Section 117 of the bill establishes a new part D for prevention and treatment programs related to juvenile gangs. In establishing this program, the Committee does not intend to fund research projects. Rather, it is the Committee's intent to provide services to prevent and reduce the participation of juveniles in gang activities.

To carry out Part D, the Administrator is directed to make grants and enter into contracts with public and private nonprofit agencies, organizations, institutions, and individuals for the purpose of establishing and supporting programs and activities that involve families and communities. The Administrator shall give priority to applications from the areas which have high incidences and severity of crimes committed by gangs. Also, priority shall be given to those applicants who can demonstrate broad-based community support which include social service agencies, local education agencies and other community organizations.

The Committee believes that this amendment is particularly timely. The Committee is not only cognizant, but also concerned about the serious and increasing gang violence among our nation's youth. Recent studies have demonstrated that gang members commit crimes at a higher rate than nongang-related juveniles and that they also commit more violent crimes. Moreover, youth who join gangs at an early age have difficulty leaving the gang at some future point.

The problem associated with gangs are multifaceted. They include: weakening of the family structure, truancy and dropping out of school. Poverty is also a factor. The enormous amounts of money generated from drug sales is certainly attractive to poor youth who face the prospect of becoming poor adults. The lack of training and employment opportunities for youth plays a significant role, as does the absence of comprehensive prevention programs in the elementary schools.

In recent months, much has been written about gang warfare in Los Angeles and in Washington, D.C. However, gang violence and warfare is not an isolated problem. A 1982 Harvard University study confirmed that there were over 300 cities with populations of 50,000 or more with gang-related problems. Gang warfare is no longer concentrated solely on territory, rather it concerns markets and the illegal sale of drugs and other substances. Recent reports indicate that 46 states have a problem with violence associated with gangs and illegal substances.

Although the Committee is aware that this amendment is not a panacea for all of the ills associated with gang violence, it does believe that this amendment provides a critical component of a comprehensive approach to addressing this problem.

The Committee believes that intervention and prevention must be provided in addition to law enforcement activities and prosecution. In essence, this amendment will fill a void which currently exists in the Act. It is in the nation's best interest to address the

serious problem of gang warfare and violence through prevention and treatment programs rather than through incarceration.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

H.R. 1801 rewrites much of the current law to provide clear and distinct authorizations for each of the activities currently funded under the Act. While the bill contains a number of improvements to the Runaway and Homeless Youth Act (RHYA), it does not require any major redirection of the program as currently administered by the Department of Health and Human Services (HHS).

As a result of testimony, visits to local programs, and receipt of related information, the Committee is convinced that this program should be considered a model in the federal government. In general, the programs assisted under this Act are providing services in the manner contemplated by the Congress. As will be further discussed later in the section on homeless youth, the RHYA is designed to primarily assist runaway youth and their families.

Troubled youth find their way to local shelters through a variety of methods, including telephone hotlines, recommendations from peers, referrals from other community agencies, and on an increasing basis from law enforcement officers. When they arrive at a shelter, these youth encounter trained professionals who meet their immediate physical and emotional needs, contract and obtain permission from the parents to provide treatment, and provide individual and family counseling. The goal is reunification with the family unless the circumstances show an abusive home environment. The services are free and may include aftercare counseling for the family for up to six months. The program strategy reflects the understanding that troubled youth frequently come from troubled families, and that unless the family situation is improved, the youth will likely run away again.

Grants for runaway and homeless youth centers

Section 201 of H.R. 1801 amends section 311 of the Act to direct the Secretary to make grants to public and private entities to establish and support local runaway and homeless youth centers. This simply mandates what the Secretary is currently authorized to do. While the bill speaks generically, these grants are what the Department calls "basic enter grants." This section of the bill does not change the method of allotting funds to centers within states, except to establish minimum allotments. Under this bill, each state shall receive not less than $75,000 and each territory shall receive not less than $30,000. At the same time, section 201 also protects any state from receiving a reduction in funding as a result of the minimum allotments.

National communication system

Section 205 of the bill separately and distinctly provides for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers. While the authority is not new to the Act, H.R. 1801 makes several significant changes. The first is that this is now a mandato-

ry activity. Secondly, the bill requires gradually increasing levels of support to the national communication system.

The Committee was very impressed with testimony regarding the National Runaway Switchboard. With only $350,000 from the federal government, it handles over 400,000 calls per year. However, the Committee understands that, given the increasing cost of telephone bills alone, the National Runaway Switchboard will not be able to maintain this level of service at the current level of federal assistance.

The Committee has also learned that in 1985, the Department assigned the National Runaway Switchboard the additional responsibility of serving as the Adolescent Suicide Hotline. However, the Department has never provided additional funding to support this service. Suicide prevention services are not authorized under the RHYA and, therefore, RHYA funding should not be diluted to support them. However, given the importance of the Adolescent Suicide Hotline, the Committee strongly encourages the Department to provide the necessary funding from other sources to properly support it.

Technical assistance and training

Section 206 of the bill amends the RHYA to authorize grants to statewide and regional nonprofit organizations to provide technical assistance and training to organizations eligible to receive basic center grants under section 311. This amendment distinctly authorizes the so-called "coordinated networking grants" currently funded under the Act. No change is intended expect to clarify that such grants may be made on a statewide or regional basis. There are some states that have a large number of shelters (some of which may not be federally assisted) and the Secretary should consider whether these states would be best served by statewide rather than by regional networks. In any case, this provision should not be construed to require the Secretary to make only statewide grants or only regional grants. The Committee contemplates a combination may be most effective.

Discretionary grants

Section 207 of the bill authorizes the Secretary to make grants to states, localities, and private entities to support research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway and homeless youth. The bill also lists a number of types of projects to which the Secretary shall give special consideration and requires that the Secretary give priority to applicants that directly provide services to runaway and homeless youth.

Section 208 requires the Secretary to publish annual proposed program priorities in the Federal Register. The public must be given 45 days in which to comment on the proposed priorities. The Secretary must take the public comments into consideration and publish the final program priorities no later than December 31 of the fiscal year to which they apply.

These requirements are designed to ensure that grants made by the Secretary address needs identified by experts and service pro-

viders and that the grants assist local shelters to the maximum degree.

Coordination with health agencies

Section 209 of the bill requires the Secretary, with respect to communicable diseases, to coordinate the activities of the various health agencies with the activities of entities eligible under this Act.

The Committee's intent is to facilitate mutually beneficial grant arrangements between runaway shelters and health agencies in the Department. Because the shelters frequently assist youth exhibiting high-risk behaviors, they are in need of information, training, or other assistance in regard to communicable diseases. For this same reason, the system of federally supported runaway shelters present the Department with an excellent avenue for outreach and information dissemination.

Authorization and allocation

Section 210 authorizes appropriations for Part A of the RHYA for an additional four years at the current level of "such sums as may be necessary."

Additionally this section requires the Secretary to allocate 90 percent of the annual appropriations for Part A for section 311 basic center grants. This is designed to make more funding available to local shelters and to ensure sufficient funding to support minimum allocations to states and territories.

Testimony before the Committee clearly showed that the major challenge facing most of the local shelters is sufficient funding. Despite their successes in obtaining additional money from other sources, many find themselves barely able to stay ahead of inflation. A program director from Grand Rapids, Michigan testified that, while she knows that there are many more youth who need services, she is reluctant to advertise because her agency simply cannot handle the increased demand. A shelter director from Cleveland, Ohio testified that she can only afford to pay her youth workers around $10,000 and her counselors around $12,000 per year; long hours, high stress, and low salaries result in high staff turnover.

The Committee also received testimony regarding the Department's practice in recent years of steadily increasing the number of local shelters receiving federal assistance. While there are still many unserved areas of the country, it makes little sense to increase the number of grants by taking funding away from current grantees. Therefore, the Committee strongly encourages the Secretary to refrain from increasing the number of grants in those situations where the allotment for the state has not commensurately increased. If the Secretary decides to make an additional grant award from an increase in a state's allotment, the Committee encourages the consideration of the extent to which applicants demonstrate support from other organizations within their respective communities.

Transitional living program for homeless youth

Section 203 of the bill amends the RHYA to authorize a new program of assistance for homeless youth. The Secretary is directed to *make grants and to provide technical* assistance to public and nonprofits private entities to establish and operate transitional living projects for homeless youth 16 to 21 years of age. In order to be eligible, an applicant must submit a plan and agree (among other things) to: provide for appropriate shelter and a variety of services including counseling in interpersonal and life skills; provide shelter and services for not more than 18 months; provide proper supervision; accommodate not more than 20 homeless clients at a time; develop an outreach program; and submit an annual report to the Secretary. In making grants, the Secretary must give priority to entities with experience in providing these types of services.

The bill authorizes $5 million for FY 1989 and "such sums as may be necessary" for FYs 1990, 1991, and 1992. In order to ensure that funding is not taken from the regular RHYA appropriation to fund this new program, the bill requires that the appropriation for Part A of the RHYA must first reach $28 million.

The Runaway Youth Act was amended in 1977 to authorize services for homeless youth. Since that time, homeless youth have been eligible to receive services at runaway shelters, and many have done so. However, because the service goal for homeless youth is not the same as that for runaways (i.e., family reunification), and because youth can only stay at a runaway shelter for up to 15 days, the shelters have been able to provide only very limited assistance to homeless youth. With the availability of some discretionary grants under the RHYA, limited private funding, and occasional state funding, a number of local private agencies operating runaway programs have been able to establish separate independent living programs for homeless youth. However, as testimony before the Committee clearly indicated, due to the absence of federal funding, these programs face difficulties in getting established and are limited in the number of youth they are able to serve. This new program fills that void by authorizing a program designed to meet the special needs of homeless youth and to provide federal funding without taking away from services for runaway youth.

TITLE III—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

The Missing Children's Assistance Act (MCAA) was enacted in 1984 as a part of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendmenrts of 1984 (Public Law 98-473). Accordingly, this is the first reauthorization of the MCAA.

In terms of being able to quantitatively describe the nature and extent of the problem, the Committee remains frustrated by the lack of empirical research and reliable data on the missing children issue. Even after three and a half years, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) still cannot give the Congress results from a completed national incidence study or from the study on the psychological consequences of abduction.

Consequently, H.R. 1801 contains relatively minor amendments to the MCAA.

Annual report

Section 301 of the bill amends section 404(a) of the Act by eliminating the currently mandated summary of reseach and demonstration projects related to missing children and by substituting a much more comprehensive annual report which must be submitted to the President and the Congress within 180 days following the fiscal year to which it applies. The information required by this amendment will be of great value to professionals in the field and to the Congress for oversight purposes.

The information required by paragraphs (B) and (C), relating to model programs, will undoubtedly be difficult for OJJDP to satisfy without the benefit of local project results. Thus, these requirements should be viewed as an enouragement by Congress to fund these types of projects under the MCAA grant program.

Paragraph (D) requires a description of how the Administrator provided adequate OJJDP staff and resources to carry out the MCAA. The Committee is concerned about the frequent turnover in the Missing Children Program Director position and delays in completing required activities.

The information required in paragraph (E), regarding the number and types of calls received in the preceding year over the toll-free telephone line, should be provided in a very detailed manner. At minimum, this should include the number of calls to request information, to report a missing child (and what type), to report a possible sighting of a missing child, and for other purposes. Regarding calls on runaways, the report should indicate the types of persons who place calls (parents, friends, other youth, etc.), the number of calls providing sufficient information for a runaway child to be considered "missing" the number of cases referred to the Title III national communication system, and the number of cases in which information was provided on the availability of runaway services under Title III.

National toll-free telephone line

Section 301 amends section 404(a) of the Act to remove the statutory limitation providing that information received over the toll-free telephone can only be shared with law enforcement agencies. This still permits the Administrator to provide for the sharing of such information with "appropriate entities."

Section 301 amends section 404(b)(1) of the MCAA to require the national toll-free telephone line to be operated 24 hours a day. Parents of missing children who call late in the night should have the benefit of immediate assistance.

The bill also requires the national toll-free telephone line to coordinate and cooperate with the Title III national communication system. The Committee's intent is not to require any kind of automatic switching device, but to facilitate the ultimate handling of calls regarding runaways by the Title III hotline.

Quarterly reports and other information regarding the activities of the toll-free telephone line indicate that it is being used to take calls on child exploitation and child pornography. Unless properly funded from other sources, these activities appear questionable in

light of the criteria in section 404(b)(1). The Committee strongly suggests that OJJDP review this situation.

National resource center and clearinghouse

Section 301 of the bill further amends section 404(b)(2) to consolidate two of the current requirements regarding technical assistance and to add two new provisions. The first requires the national resource center and clearinghouse to maintain information on free or low-cost services which may be available to missing children and their families.

The second new provision requires the national resource center to maintain information on other federal programs which assist missing children. Accordingly, the national resource center should not expend scarce resources developing materials and information on runaways. Instead, it is more cost-effective and appropriate to use materials developed by the Department of Health and Human Services and their grantees.

From quarterly progress reports, it is apparent that a substantial amount of training has been providing by the national resource center and clearinghouse regarding missing children cases and child abuse cases. The Committee notes that current law contains no authorization for the national resource center and clearinghouse to provide training, especially for child abuse activities not related to a child's disappearance. The Committee strongly suggests that OJJDP review this situation. The activities of the national resource center and clearinghouse should be confined primarily to cases involving the abduction of children and should not duplicate activities of other agencies.

Record checks

Secton 301 of the bill amends section 404(b) of the Act to provide information to state and local entities to facilitate the lawful use of school records and birth certificates to identify and locate missing children. By "lawful," the Committee means taking into account any applicable federal or state privacy requirements.

Advisory Board

Section 302 of the bill amends section 405 of the MCAA to repeal the authority establishing the Advisory Board on Missing Children. In the three years of its existence, the Advisory Board made one report and that report did not in any way comply with its mandate under the Act. To the extent that the Administrator wishes the benefit of advice and recommendations from professionals in the field, authority exists to provide for a conference on missing children issues.

Grants

Section 303 of the bill amends section 406 of the Act to authorize two new eligible grant activities. The first is aftercare services. Over the last several years, the Committee received convincing testimony regarding the need for counseling services for abducted children and their families following recovery of the children.

The second new eligible activity is mediation services for divorced or otherwise estranged parents. The object is to prevent a

possible abduction by helping such parents reach agreement regarding the sharing or treatment of their children.

State clearinghouses

The Committee also received testimony relating to the establishment and operation of state clearinghouses on missing children. The Committee notes that approximately $1 million under the Missing Children's Assistance Act has been expended for this purpose. To date, all but 11 states have such programs. The authority in the MCAA is sufficiently broad to allow further assistance if necessary, and the Administrator is encouraged to evaluate the need for, and benefits of, additional federal assistance.

Definition

While the bill does not modify the definition of "missing child," the Committee nevertheless has some concerns in this area.

The definition in current law provides that a missing child is any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian if—(1) the circumstances suggest that he/she may possibly have been abducted, or (2) the circumstances strongly indicate that the child is likely to be abused or exploited.

It should be noted that for a runaway child to come within the definition, clause (2) must apply. In the October 4, 1984 Senate debate, during the consideration of the conference report to accompany H.J. Res. 648 (making continuing appropriations for the fiscal year 1985, and for other purposes), Senator Specter explained clause (2) of the definition as follows:

> It is intended that, in general, the need for actual evidence of a likelihood of abuse or exploitation should increase in proportion to the age of the child involved. Thus, for example, where credible evidence provides a strong indication that a 15-year-old is engaged in prostitution, the child would be considered a missing child, but not flat presumption that the child is at risk solely by virtue of being a 15-year-old runaway would be in order. Conversely, it would be appropriate to presume that a 7-year-old runaway is at risk, unless credible evidence indicates to the contrary.

The Committee concurs with this interpretation of the existing definition. Thus, for a report on a runway to be taken over the toll-free telephone line, the circumstances must include a strong indication that the child is likely to be abused or exploited and the need for actual evidence of that likelihood increases with the child's age. If the circumstances of the case do not establish the requisite level of likelihood, then the information should not be taken and maintained by the organization operating the telephone line. Moreover, as required by the bill, the caller should be referred to the Title III hotline.

The Committee strongly encourages OJJDP to develop whatever guidelines are necessary for the proper use of the current definition in all of its MCAA activities.

Special study and report

Section 306 directs the Administrator to conduct a study of non-custodial parental abduction situations to identify and describe the obstacles that prevent or impede the custodial parent from recovering his/her child. Obstacles should include (but are not limited to) those that are financial and legal (e.g., intrastate, interstate, or international).

The Administrator is directed to begin the study within one year following the date of enactment of these amendments and to make a report thereon to the Congress within 3 years of such date.

V. Committee Approval

In compliance with clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives, the committee states that on April 28, a quorum being present, the Committee favorably ordered reported H.R. 1801 by voice vote.

VI. Oversight Statement

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, this report embodies the findings and recommendations of the Subcommittee on Human Resources, established pursuant to clause 2(b)(1) of rule X of the House of Representatives and rule 18(a) of the Rules of the Committee on Education and Labor. Pursuant to its responsibilities, the Committee has determined that legislation should be enacted as set forth in H.R. 1801.

VII. Inflationary Impact Statement

In compliance with clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment into law of H.R. 1801 will have little inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the committee that the inflationary impact of this legislation as a component of the Federal budget is negligible.

VIII. Oversight Findings and Recommendations of the Committee on Government Operations

In compliance with clause 2(l)(3)(D) of Rules XI of the Rules of the House of Representatives, the committee states that no findings or recommendations of the Committee on Government Operations were submitted to the committee.

IX. Cost of This Legislation

A. CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3)(B) and (C) of Rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, submitted prior to the filing of this report, is set forth as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 4, 1988.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1801, the Juvenile Justice and Delinquency Prevention Amendments of 1988.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1801.

2. Bill title: The Juvenile Justice and Delinquency Prevention Amendments of 1988.

3. Bill status: As ordered reported by the House Committee on Education and Labor April 28, 1988.

4. Bill purpose: H.R. 1801 would reauthorize appropriations for programs under the Juvenile Justice and Delinquency Prevention Act of 1974, the Runaway and Homeless Youth Act, and the Missing Children's Assistance Act, for fiscal years 1989 through 1992. The bill would also establish two new authorizations. Under the juvenile justice act, $10 million for 1989 and indefinite amounts for 1990 through 1992 would be authorized to fund grants for prevention and treatment programs related to juvenile gangs. Under the runaway youth act, the bill would authorize $5 million for 1989 and indefinite amounts for 1990 through 1992 to support transitional living programs for homeless youth, provided that other runaway youth programs are fully funded in appropriations acts. Additionally, the bill would make numerous amendments to these acts, and would require the General Accounting Office (GAO) to study the use of the valid court order.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1989	1990	1991	1992	1993
Estimated authorization level	111	121	126	132	
Estimate outlays	25	84	118	126	101

The costs of this bill fall within budget functions 500 and 750. This table does not include the cost of the GAO study required by section 401 of the bill.

Basis of estimate: For each of the reauthorizations, this estimate assumes that funding would continue at the level of current appropriations, with adjustments for inflation. The estimated levels for the new authorizations established by the bill assume funding at the level authorized for 1989, with adjustments for inflation for

1990 through 1993. Detailed information is shown in the table below. The estimated outlays are based on historical spending patterns.

Based on information provided by the GAO, CBO estimates that the study required by section 401 would cost roughly $500,000.

ESTIMATED COST OF H.R. 1801

[By fiscal year, in millions of dollars]

	1989	1990	1991	1992	1993
Juvenile Justice Act, existing programs (function 750):					
Estimated authorization level	69.4	72.3	75.2	78.2	.....
Estimated outlays	13.9	46.4	69.8	74.7	61.5
Juvenile Justice Act, gang-related programs (function 750):					
Estimated authorization level	10.0	10.4	11.3	12.7	.....
Estimated outlays	2.0	6.7	10.1	11.3	9.7
Runaway Youth Act, existing programs (function 500):					
Estimated authorization level	27.1	28.3	29.4	30.6	.....
Estimated outlays	7.3	25.0	28.5	29.6	22.2
Runaway Youth Act, transitional housing programs (function 500):					
Estimated authorization level	(1)	5.2	5.4	5.6	.....
Estimated outlays	.....	1.4	4.8	5.5	4.1
Missing Children's Act, existing programs (function 750):					
Estimated authorization level	4.2	4.3	4.5	4.7	.....
Estimated outlays	1.5	4.2	4.4	4.6	3.0
Total, H.R. 1801:					
Estimated authorization level	110.7	120.5	125.8	131.9	.....
Estimated outlays	24.7	83.8	117.6	125.6	100.5

[1] Because the estimated authorization level for the other runaway youth act programs is under $28 million in 1989, H.R. 1801 would not authorize appropriations for this program for that year.

6. Estimated cost to State and local governments: Historically, between 70 and 80 percent of the funds appropriated under the juvenile justice act and runaway youth act have funded grants to state and local governments. Assuming these trends would continue, CBO estimates that the funds allocated to state and local governments would total roughly $90 million annually if the full amounts authorized are appropriated.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Michael Sieverts and Michael Namian.

10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

B. COMMITTEE ESTIMATES

With reference to the statement required by clause 7(a)(1) of Rule XIII of the rules of House of Representatives, the Committee accepts the estimate prepared by the Congressional Budget Office.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the short title of this Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1988" and sets forth a table of contents.

Section 101 amends section 103 of the Act to provide definitions for the terms "Council" and "Indian tribe".

Section 102 amends section 201 of the Act to eliminate the requirement of a position of Deputy Administrator within the Office of Juvenile Justice and Delinquency Prevention.

Section 103 amends section 204 to require the annual publication for public comment of a comprehensive program plan related to Parts C and D and to eliminate certain obsolete provisions.

Section 104 amends section 206 of the Act to require the Coordinating Council on Juvenile Justice and Delinquency Prevention to review federal programs and practices to assess whether they are consistent with the mandate in section 223(a)(14), to review why federal agencies take youth into custody together with recommendations for improved treatment, and to make technical improvements.

Section 105 requires a new annual report to the Congress.

Section 106 amends section 221 of the Act to require that up to two percent of the allocation for Part B be made available to experienced entities for the purpose of providing technical assistance to states and local agencies to facilitate state compliance with the mandates of the Act.

Section 107 amends section 222 of the Act to provide for an increased minimum allotment to states and territories and to make certain technical improvements.

Section 108 amends section 223 of the Act to improve state activities regarding assistance to Indian tribes, the treatment of minority youth, and the removal of children from adult jails and lockups.

Section 109 amends section 241 of the Act to improve the provisions relative to state advisory groups and to make certain technical changes.

Section 110 amends section 242 of the Act to strengthen the role of the Office of Juvenile Justice and Delinquency Prevention in the collection, analysis, publication, and dissemination of information relative to the juvenile justice system and to delinquency prevention and treatment programs.

Section 111 amends section 243 of the Act to to support research regarding the disproportionate incarceration of minority youth, and to make technical and clarifying changes.

Section 112 amends section 244 of the Act to consolidate several provisions relative to technical assistance and training, to strike an unnecessary provision, and to change the section title.

Section 113 contains a number of technical and conforming changes which rename Part C as "National Programs", designate the current Part C provisions as "Subpart I" and move the provisions of the Special Emphasis Prevention and Treatment Programs with minor changes to Part C as "Subpart II".

Section 114 amends the Act to require special studies on the use of nationally recognized detention standards and on juvenile justice programs on federal indian reservations.

Section 115 amends section 261 of the Act to authorize appropriations for an additional four years and to change the percentage allocations of appropriated funds amongst Parts A, B, and C of Title II.

Section 116 consolidates the general and administrative provisions of Title II in a new Part E.

Section 117 authorizes a new juvenile gang prevention and treatment program in Part D of Title II.

Section 201 amends section 311 of the Act to clarify the Secretary's authority regarding grants to establish and operate runaway and homeless youth centers, to provide for a minimum allotment for states and territories, and to make technical and conforming changes.

Section 202 amends the act by renaming the headings in the various parts of Title III.

Section 203 authorizes a new program of assistance to establish and support transitional living programs for homeless youth.

Section 204 amends Title III of the Act to modify the annual report requirements.

Section 205 amends Title III of the Act to clarify and strengthen the provisions regarding a national communication system to assist runaway youth and their families.

Section 206 amends Title III of the Act to clarify the Secretary's authority to provide technical assistance and training to runaway and homeless youth centers through statewide and regional organizations.

Section 207 amends Title III of the Act to authorize grants for research, demonstration, and service projects.

Section 208 amends Title III of the Act to require the publication of annual program priorities for public comment.

Section 209 amends Title III to require coordination with the activities of various health agencies.

Section 210 amends Title III to authorize appropriations for an additional four years.

Section 301 amends section 404 of the Act to remove an information sharing limitation, to modify the Administrator's annual reporting requirements, and to modify the required activities of the national resource center and clearinghouse.

Section 302 repeals section 405 of the Act establishing an Advisory Board on Missing Children.

Section 303 amends section 406 of the Act to include aftercare and mediation programs as eligible activities.

Section 304 authorizes appropriations for an additional four years.

Section 305 contains a number of technical and conforming changes.

Section 306 amends the Act by requiring the Administrator to conduct a study regarding the location and recovery of parentally abducted children.

Section 401 requires the Comptroller General to investigate and report to Congress on the use of the valid court order.

Section 402 contains provisions regarding the effective date of these amendments and the application of the section 108(a) amendment.

Changes in Existing Law Made by the Bill, As Reported

In compliance with clause 3 of rule XIII of the Rule of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is

enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

* * * * * * *

TITLE—FINDINGS AND DECLARATION OF PURPOSE

* * * * * * *

DEFINITIONS

SEC. 103. For purposes of this Act—

(1) * * *

* * * * * * *

(5) the term "Administration" means the agency head designated by section [201(c);] *201(b);*

* * * * * * *

(15) the term "treatment" includes but is not limited to medical, educational, special education, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public, including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and susceptibility to addiction or use; [and]

(16) the term "valid court order" means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word "valid" permits the incarceration of juveniles for violation of a valid court only if they received their full due process rights as guaranteed by the Constitution of the United States.[.];

(17) the term "Council" means the Coordinating Council on Juvenile Justice and Delinquency Prevention established in section 206(a)(1); and

(18) the term "Indian tribe" means—

(A) a federally recognized Indian tribe; or

(B) an Alaskan Native organization.

* * * * * * *

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

ESTABLISHMENT OF OFFICE

SEC. 201. (a) * * *

* * * * * * *

[(c) There shall be in the Office a Deputy Administrator who shall be appointed by the Attorney General and whose function shall be to supervise and direct the National Institute for Juvenile

Justice and Delinquency Prevention established by section 241 of this Act. The Deputy Administrator shall also perform such functions as the Administrator may from time to time assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.]

. . . . . .

CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out the functions of the Administrator, the Administrator shall consult with the Council [and the National Advisory Committee for Juvenile Justice and Delinquency Prevention].

(b) In carrying out the purposes of this Act, the Administrator shall—

(1) * * *

. . . . . .

[(5) develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year following the date of the enactment of the Juvenile Justice Amendments of 1977, prior to December 31, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs;]

(5)(A) develop for each fiscal year, and publish annually in the Federal Register for public comment, a proposed comprehensive plan describing the particular activities which the Administrator intends to carry out under parts C and D in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts C and D; and

(B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is published, develop and publish a final plan, before December 31 of such fiscal year, describing the particular activities which the Administrator intends to carry out under parts C and D in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts C and D; and

[(6) provide technical assistance and training assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs; and]

[(7)] *(6)* provide for the auditing of monitoring systems required under section 223(a)(15) to review the adequacy of such systems.

[(c) The President shall, no later than ninety days after receiving each annual report under subsection (b)(5), submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each such annual report.

[(d)(1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) shall contain, in addition to information required by subsection (b)(5), a detailed statement of criteria developed by the Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

[(2) The second such annual report shall contain, in addition to information required by subsection (b)(5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).

[(e) The third such annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) shall contain, in addition to the comprehensive plan required by subsection (b)(5), a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection (1). Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.]

[(f)] *(c)* The Administrator may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide the Administrator with such information and reports, and to conduct such studies and surveys, as the Administrator may deem to be necessary to carry out the purposes of this part.

[(g)] *(d)* The Administrator may delegate any of the functions of the Administrator under this title, to any officer or employee of the Office.

[(h)] [*(e)* The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

[(i)] *(f)* The Administrator is authorized to transfer funds appropriated under this section to any agency of the Federal Government to develop or demonstrate new methods in juvenile delin-

quency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Administrator finds to be exceptionally effective or for which the Administator finds there exists exceptional need.

[(j)] *(g)* The Administrator is authorized to make grants, to, or enter into contracts with, any public or private agency, organization, institution, or individual to carry out the purposes of this title.

[(k)] *(h)* All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III of this Act.

[(l)] *(i)*(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program [which meets any criterion developed by the Administrator under subsection (d)(1)] to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under subsection [(f)] *(c)*.

(2) Each juvenile delinquency development statement submitted to the Administrator under paragraph (1) [shall be submitted in accordance with procedures established by the Administrator under subsection (e) and] shall contain such information, data, and analyses as the Administrator may require [under subsection (e)]. Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to the Administrator under paragraph (1). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

[(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.]

* * * * * * *

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention [(hereinafter referred to as the "Council")] composed of the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Office of Community Services, the Director of the Office of Drug Abuse Policy, the Director of the ACTION Agency, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Af-

fairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau, or their respective designees, Assistant Attorney General who heads the Office of Justice Programs, Director of the Bureau of Justice Assistance, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, [the Deputy Administator of the Institute for Juvenile Justice and Delinquency Prevention,] the Director of the National Institute of Justice, and representatives of such other agencies as the President shall designate.

* * * * * * *

(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs and [, in consultation with the Advisory Board on Missing Children,] all Federal programs relating to missing and exploited children. The Council shall make recommendations to the President and to the Congress at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities. The Council [is authorized to] *shall* review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of [section 223(a)(12)(A) and (13)] *paragraphs (12)(A), (13), and (14) of section 223(a)* of this title. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. *The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.*

(d) The Council shall meet at least quarterly [and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title].

* * * * * * *

[(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary, not to exceed $200,000 for each fiscal year.]

(g) Of sums available to carry out this part, not more than $200,000 shall be available to carry out this section.

ANNUAL REPORT

SEC. 207. Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year:

(1) A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subapragraphs (A), (B), (C), and (D) sepa-

rately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

(A) the types of offenses with which the juveniles are charged;

(B) the race and gender of the juveniles;

(C) the ages of the juveniles;

(D) the types of facilities used to hold the juveniles in custody, including secure detention facilities, secure correctional facilities, jails, and lockups; and

(E) the number of juveniles who died while in custody and the circumstances under which they died.

(2) A description of the activities for which funds are expended under this part, including the objectives, priorities, accomplishments, and recommendations of the Council.

(3) A description, based on the most recent data available, of the extent to which each State complies with section 223 and with the plan submitted under such section by the State for such fiscal year.

(4) a summary of each program or activity for which assistance is provided under part C or D, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replicating such program or activity in other locations.

(5) A description of selected exemplary delinquency prevention programs for which assistance is provided under this title, with particular attention to community-based juvenile delinquency prevention programs that involve and assist families of juveniles.

Part B—Federal Assistance for State and Local Programs

[Subpart I—Formula Grants]

AUTHORITY TO MAKE GRANTS *AND CONTRACTS*

SEC. 221. *(a)* The Administrator is authorized to make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

(b)(1) With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and either into contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local governments (and combinations thereof), and local private agencies to facilitate compliance with section 223 and implementation of the State plan approved under section 223(c).

(2) Grants and contracts may be made under paragraph (1) only to public and private agencies, organizations, and individuals that

have experience in providing such technical assistance. In providing such technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 291(c)(1).

ALLOCATION

SEC. 222. (a) [In] *(1) Subject to paragraph (2) and in* accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. [No such allotment to any State shall be less than $225,000, except that for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands no allotment shall be less than $56,250.]

(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title (other than part D) is less than $75,000,000, then the amount allotted to each State for such fiscal year shall be not less than $325,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 each.

(B) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title (other than part D) equals or exceeds $75,000,000, then the amount allotted to each State for such fiscal year shall be not less than $400,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $100,000 each.

(3) If, as a result of paragraph (2), the amount allotted to a State for a fiscal year would be less than the amount allotted to such State for fiscal year 1988, then the amounts allotted to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allot to such State for the fiscal year the amount allotted to such State for fiscal year 1988.

(b) [Except for funds appropriated for fiscal year 1975, if] *If* any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. [Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated.] Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands for the same period.

* * * * * * *

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include

new programs, and the state shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) designate the State agency described in section [261(c)(1)] *291(c)(1)* as the sole agency for supervising the preparation and administration of the plan;

* * * * * * *

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 222, other than funds made available to the state advisory group under section 222(d), shall be expended [through]—

(A) *through* programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan; [and]

(B) *through* programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof; *and*

(C) to provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in paragraphs (12)(A), (13), and (14), applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age,

* * * * * * *

(8) provide for (A) an analysis of juvenile crime problems *(including the joining of gangs that commit crimes)* and juvenile justice and delinquency prevention needs within the relevant jurisdiction *(including any geographical area in which an Indian tribe performs law enforcement functions)*, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems *(including the joining of gangs that commit crimes)* and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar

problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and deliquency prevention;

• • • • • • •

(14) provide that, beginning after the five-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through [1989,] *1993,* promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas which—

[i] *(A)* are outside a Standard Metropolitan Statistical Area,

[ii] *(B)* have no existing acceptable alternative placement available, and

[iii] *(C)* are in compliance with the provisions of paragraph (13).

• • • • • • •

(22) provide that the State agency designated under paragraph (1) will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; [and]

(23) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population; and

[(23)] *(24)* contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

• • • • • • •

(c)*(1)* The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section. Failure to achieve compliance with the subsection (a)(12(A) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this [subpart] *part* unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compli-

ance within a reasonable time not exceeding two additional years. [Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 3 additional years]

(2) Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this part unless the Administrator—

(A) determines, in the discretion of the Administrator, that such State has—

(i)(I) removed not less than 75 percent of juveniles from jails and lockups for adults; or

(II) achieved substantial compliance with such subsection; and

(ii) made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 3 additional years; or

(B) waives the termination of the State's eligibility on the condition that the State agrees to expend all of the funds to be achieved under this part by the State (excluding funds required to be expended to comply with subsections (c) and (d) of section 222 and with section 223(a)(5)(C)), only to achieve compliance with subsection (a)(14).

(3) Except as provided in paragraph (2), failure to achieve compliance with the requirements of subsection (a)(14) after December 8, 1985, shall terminate any State's eligibility for funding under this part unless the Administrator waives the termination of the State's eligibility on the condition that the State agrees to expend all of the funds to be received under this part by the State (excluding funds required to be expended to comply with subsections (c) and (d) of section 22 and with section 223(a)(5)(C)), only to achieve compliance with subsection (a)(14).

(4) For purposes of paragraph (2)(A)(i)(II), a State may demonstrate that it is in substantial compliance with such paragraphs by showing that it has—

(A) removed all juvenile status offenders and nonoffenders from jails and lockups for adults;

(B) made meaningful progress in removing other juveniles from jails and lockups for adults;

(C) diligently carried out the State's plan to comply with subsection (a)(14); and

(D) historically expended, and continues to expend, to comply with subsection (a)(14) an appropriate and significant share of the funds received by the State under this part.

* * * * * * *

[Subpart II—Special Emphasis Prevention and Treatment Programs

[AUTHORITY TO MAKE GRANTS AND CONTRACTS

[SEC. 224. (a) From not less than 15 percent, but not more than 25 percent, of the funds appropriated for a fiscal year to carry out this part, the Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, or individuals provide for each of the following during each fiscal year:

[(1) developing and maintaining community-based alternatives to traditional forms of institutionalization of juvenile offenders;

[(2) developing and implementing effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution and reconciliation projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;

[(3) developing and supporting programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system, including services which encourage the improvement of due process available to juveniles in the juvenile justice system;

[(4) developing model programs to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency;

[(5) developing and implementing special emphasis prevention and treatment programs relating to juveniles who commit serious crimes (including such crimes committed in schools), including programs designed to deter involvement in illegal activities or to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles; and

[(6) developing and implementing further a coordinated, national law-related education program of delinquency prevention, including training programs for persons responsible for the implementation of law-related education programs in elementary and secondary schools.

[(b) From any special emphasis funds remaining available after grants and contracts are made under subsection (a), but not to exceed 10 percent of the funds appropriated for a fiscal year to carry out this part, the Administrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, or individuals, to develop and implement new approaches, techniques, and methods designed to—

[(1) improve the capability of public and private agencies and organizations to provide services for delinquents and other youth to help prevent juvenile delinquency;

[(2) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep stu-

dents in elementary and secondary schools, to prevent unwarranted and arbitary suspensions and expulsions, and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

[(3) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

[(4) develop and support programs designed to encourage and enable State legislatures to consider and further the proposes of this title, both by amending State laws if necessary, and devoting greater resources to those purposes;

[(5) develop and implement programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles;

[(6) develop statewide programs through the use of subsidies or other financial incentives designed to—

[(A) remove juveniles from jails and lockups for adults;

[(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

[(C) establish and adopt, based upon the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention made before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984, standards for the improvement of juvenile justice within each State involved;

[(7) development and implement model programs, relating to the special education needs of delinquent and other youth, which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies.

[(c) Not less than 30 percent of the funds available for grants and contracts under this section shall be available for grants to and contracts with private nonprofit agencies, organizations, or institutions which have had experience in dealing with youth.

[(d) Assistance provided under this section shall be available on an equitable basis to deal with female, minority, and disadvantaged youth, including mentally, emotionally, or physically handicapped youth.

[(e) Not less than 5 percent of the funds available for grants and contracts under this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

[CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

[SEC. 225. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 224, shall submit an application at such time, in such manner, and contain-

ing or accompanied by such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each such applications shall—

[(1) provide that the program for which assistance is sought will be administered by or under the supervision of the applicant;

[(2) set forth a program for carrying out one or more of the purposes set forth in section 224 (such purpose or purposes shall be specially identified in such application);

[(3) provide for the proper and efficient administration of such program;

[(4) provide for regular evaluation of the program;

[(5) indicate that the applicant has requested the review of the application from the State planning agency and local agency designated in section 223 (if such State or local agency exists) and indicate the response of such agency to the request for review and comment on the application;

[(6) provide that regular reports on the program shall be sent to the Administrator and to the State planning agency and local agency;

[(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title; and

[(8) attach a copy of the response of the State agency or the local agency to the request for review and comment on the application.

[(c) In determining whether or not to approve applications for grants and for contracts under section 224, the Administrator shall consider—

[(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this part;

[(2) the extent to which the proposed program will incorporate new or innovative techniques;

[(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

[(4) the increase in capacity of the public and private agency, institution, or individual to provide services to address juvenile delinquency and juvenile delinquency prevention;

[(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

[(6) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have no city with a population over two hundred and fifty thousand.

[(d)(1)(A) Except as provided in subparagraph (B) new programs selected after the effective date of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984 for assist-

ance through grants or contracts under section 224 or part C of this title shall be selected through a competitive process to be established by rule by the Administrator. As part of such a process, the Administrator shall announce in the Federal Register the availability of funds for such assistance, the general criteria applicable of the selection of applicants to receive such assistance, and a description of the procedures applicable to submitting and reviewing applications for such assistance.

[(B) The competitive process described in subparagraph (A) shall not be required if—

[(i) the Administrator has made a written determination that the proposed program is not within the scope of any program announcement or any announcement expected to be issued, but can otherwise be supported by a grant or contract in accordance with section 224 or part C of this title, and if the proposed program is of such outstanding merit, as determined through peer review conducted under paragraph (2), that the award of a grant or contract without competition is justified; or

[(ii) the Administrator makes a written determination, which shall include the factual and other bases thereof, that the applicant is uniquely qualified to provide proposed training services as provided in section 244, and other qualified sources are not capable of carrying out the proposed program.

[(C) In each case where a program is selected for assistance without competition pursuant to the exception provided in subparagraph (B), the Administrator shall promptly so notify the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate. Such notification shall include copies of the Administrator's determination under clause (i) or clause (ii) of such subparagraph and the peer review determination required under paragraph (2).

[(2) New programs selected after the effective date of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984 for assistance through grants or contracts under section 224 shall be reviewed before selection and thereafter as appropriate through a formal peer review process utilizing experts (other than officers and employees of the Department of Justice) in fields related to the subject matter of the proposed program. Such process shall be established by the Administrator in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation, the Administrator shall submit such process to such Directors, each of whom shall prepare and furnish to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

[(3) The Administrator, in establishing the processes required under paragraphs (1) and (2), shall provide for emergency expedited consideration of program proposals when necessary to avoid any delay which would preclude carrying out the program.

[(e) No city should be denied an application solely on the basis of its population.

[(f) Notification of grants and contracts made under section 224 (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator, to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate.

[GENERAL PROVISIONS

[Withholding

[SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds—

[(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provision of this title; or

[(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Administrator shall initiate such proceedings as are appropriate.

[USE OF FUNDS

[SEC. 227. (a) Funds paid pursuant to this title to any public or private agency, organization, institution, or individual (whether directly or through a State planning agency) may be used for—

[(1) planning, developing, or operating the program designed to carry out the purposes of this part; and

[(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons which, in the judgment of the Administrator, are necessary for carrying out the purpose of this part.

[(b) Except as provided by subsection (a), no funds paid to any public or private agency, institution, or individual under this part (whether directly or through a State agency or local agency) may be used for construction.

[(c) Funds paid pursuant to section 223(a)(10)(D) and section 224(a)(3) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bill, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program in-

volved. The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 224(a)(3) are used either directly or indirectly in any manner prohibited in this subsection.

[PAYMENTS

[SEC. 228. (a) Whenever the Administrator determines that it will contribute to the purposes of part A or part C, the Administrator may require the recipient of any grant or contract to contribute money, facilities, or services.

[(b) Payments under this part, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, in such installments and on such conditions as the Administrator may determine.

[(c) Except as provided in the second sentence of section 222(c), financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity.

[(d) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing any liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

[(e) If the Administrator determines, on the basis of information available to the Administrator during any fiscal year, that a portion of the funds granted to an applicant under subpart II of this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 802 of the Omnibus Crime Control and Safe Streets Act of 1988, as amended, that portion shall be available for reallocation in an equitable manner to states which have complied with the requirements in section 223(a)(12)(A) and section 23(a)(13), under section 224(b)(6) of this title.

[CONFIDENTIALITY OF PROGRAM RECORDS

[SEC. 229. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed except with the consent of the service recipient or legally authorized representative, or as may be necessary to perform the functions required by this title. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients.]

[PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION] *PART C—NATIONAL PROGRAMS*

Subpart I—National Institute for Juvenile Justice and Delinquency Prevention

ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Administrator[, and shall be headed by a Deputy Administrator of the Office appointed under section 201(c)].

* * * * * * *

(f)*(1)* The Administrator, acting through the Institute, shall [provide, not less frequently than once every 2 years, for a national conference of member representatives from State advisory groups for the purpose of—]*provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 223(a)(3) to assist such organization to carry out the functions specified in paragraph (2).*

(2) To be eligible to receive such assistance, such organization shall agree to carry out activities that include—

(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

[(1)] *(B)* disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section [224] *261;*

[(2)] *(C)* reviewing Federal poiicies regarding juvenile justice and delinquency prevention;

[(3)] *(D)* advising the Administrator with respect to particular functions or aspects of the work of the Office; and

[(4)] *(E)* advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.

* * * * * * *

[(h) the authorities of the Institute under this part shall be subject to the terms and conditions of section 225(d).]

INFORMATION FUNCTION

SEC. 242. The *Administrator, acting through the* National Institute for Juvenile Justice and Delinquency [Prevention is authorized to] *Prevention, shall—*

(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;

[(1)] *(2)* serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency; *and*

[(2)] *(3)* serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. The [National Institute for Juvenile Justice and Delinquency Prevention] *Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention,* is authorized to—

(1) * * *

* * * * * * *

(4) provide for the evaluation of any other Federal, State, or local juvenile delinquency program[, upon the request of the Deputy Administrator];

(5) prepare, in cooperation with educational institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency [and related matters] *and the improvement of the juvenile justice system,* including—

(A) recommendations designed to promote effective prevention and treatment, particularly by strengthening and maintaining the family unit; [and]

(B) assessments regarding the role of family violence, sexual abuse or exploitation, media violence, the improper handling of youth placed in one State by another State, the [possible ameliorating roles of familial relationships] *effectiveness of family-centered treatment programs,* special education, remedial education, and recreation, and the extent to which youth in the juvenile system are treated differently on the basis of sex, race, or family income and the ramifications of such treatment;

(C) examinations of the treatment of juveniles processed in the criminal justice system; and

(D) recommendations as to effective means for detering involvement in illegal activities or promoting involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles[.];

(6) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency; [and]

(7) disseminate pertinent data and studies to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency[.];

(8) develop and support model State legislation consistent with the mandates of this title and the standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984; and

(9) support research relating to reducing the excessive proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups.

[TRAINING FUNCTIONS] *TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS*

SEC. 244. The *Administrator, acting through the* National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) provide technical assistance and training assistance to Federal, State, and local governments and to courts, public and private agencies, institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

[(1)]*(2)* develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders, and their families;

[(2)]*(3)* develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency; *and*

[(3) devise and conduct a training program, in accordance with the provisions of sections 248, 249, and 250, of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and organizations with specific experience in the prevention and treatment of juvenile delinquency; and]

(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders.

[ANNUAL REPORT

[SEC. 245. The Deputy Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the Administrator after the first year the leg-

islation is enacted, prior to September 30, a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b)(5).

[ADDITIONAL FUNCTIONS OF THE INSTITUTE

[SEC. 246. (a) The National Institute for Juvenile Justice and Delinquency Prevention shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

[(b) The National Institute for Juvenile Justice and Delinquency Prevention is authorized to develop and support model State legislation consistent with the mandates of this title and the standards developed by National Advisory Committee for Juvenile Justice and Delinquency Prevention before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984.]

[ESTABLISHMENT OF TRAINING PROGRAM

SEC. [247.] *245.* (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

(b) Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

SEC. [248.] *246.* The Administrator shall design and supervise a curriculum for the training program established by section [248] *245* which shall utilize and interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program.

PARTICIPATION IN TRAINING PROGRAM AND STATE ADVISORY GROUP CONFERENCES

SEC. [249] *247.* (a) Any person seeking to enroll in the training program established under section [248] *245* shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section [248(b)] *245(b)*.

(c) While participating as a trainee in the program established under section [246] *245* or while participating in any conference held under section 241(f), and while traveling in connection with such participation, each person so participating shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code. No consultation fee may be paid to such person for such participation.

SPECIAL STUDIES AND REPORTS

SEC. 248. (a) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study with respect to the juvenile justice system—

(1) to review—

(A) conditions in detention and correctional facilities for juveniles; and

(B) the extent to which such facilities meet recognized national professional standards; and

(2) to make recommendations to improve conditions in such facilities.

(b)(1) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study to determine—

(A) how juveniles who are American Indians and Alaskan Natives and who are accused of committing offenses on and near Indians reservations and Alaskan Native villages, respectively, are treated under the systems of justice administered by Indian tribes and Alaskan Native organizations, respectively, that perform law enforcement functions;

(B) the amount of financial resources (including financial assistance provided by governmental entities) available to Indian tribes and Alaskan Native organizations that perform law enforcement functions, to support community-based alternatives to incarcerating juveniles; and

(C) the extent to which such tribes and organizations comply with the requirements specified in paragraphs (12)(A), (13), and (14) of section 223(a), applicable to the detention and confinement of juveniles.

(2)(A) For purposes of section 7(b) of the Indian Shelf-Determination and Education Assistance Act (25 U.S.C. 450e(b)), any contract, subcontract, grant, or subgrant made under paragraph (1) shall be deemed to be a contract, subcontract, grant, or subgrant made for the benefit of Indians.

(B) For purposes of section 7(b) of such Act and subparagraph (A) of this paragraph, references to Indians and Indian organizations

shall be deemed to include Alaskan Natives and Alaskan Native organizations, respectively.

(c) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under subsection (a) or (b), as the case may be.

Subpart II—Special Emphasis Prevention and Treatment Programs

AUTHORITY TO MAKE GRANTS AND CONTRACTS

SEC. 261. (a) The Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals provide for each of the following during each fiscal year:

(1) Establishing or maintaining community-based alternatives to traditional forms of institutionalization of juvenile offenders.

(2) Establishing or implementing effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution and reconciliation projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents.

(3) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles impacted by the juvenile justice system, including services which encourage the improvement of due process available to juveniles in the juvenile justice system, which improve the quality of legal representation of such juveniles, and which provide for the appointment of special advocates by courts for such juveniles.

(4) Developing or supporting model programs to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency.

(5) Establishing or implementing special emphasis prevention and treatment programs relating to juveniles who commit serious crimes (including such crimes committed in schools), including programs designed to deter involvement in illegal activities or to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles.

(6) Establishing or implementing further a coordinated, national law-related education program of delinquency prevention, including training programs for persons responsible for the implementation of law-related education programs in elementary and secondary schools, and other local sites.

(7) Addressing efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.

(b) The Administrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, to develop and implement new approaches, techniques, and methods designed to—

(1) improve the capability of public and private agencies and organizations to provide services for delinquents and other juveniles to help prevent juvenile delinquency;

(2) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools, to prevent unwarranted and arbitrary suspensions and expulsions, and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(3) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies, organizations, business and industry, programs for the employment of juveniles;

(4) develop and support programs designed to encourage and assist State legislatures to consider and establish policies consistent with this title, both by amending State laws, if necessary, and devoting greater resources to effectuate such policies;

(5) develop and implement programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles;

(6) develop statewide programs through the use of subsidies or other financial incentives designed to—

(A) remove juveniles from jails and lockups for adults;

(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

(C) establish and adopt, based upon the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention made before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984, standards for the improvement of juvenile justice within each State involved; and

(7) develop and implement model programs, relating to the special education needs of delinquent and other juveniles, which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies.

(c) Not less than 30 percent of the funds available for grants and contracts under this section shall be available for grants to and contracts with private nonprofit agencies, organizations, and institutions which have experience in dealing with juveniles.

(d) Assistance provided under this section shall be available on an equitable basis to deal with female, minority, and disadvantaged juveniles, including juveniles who are mentally, emotionally, or physically handicapped.

(e) Not less than 5 percent of the funds available for grants and contracts under this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands of the United States, Guam,

American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 262. (a) Any agency, institution, or individual desiring to receive a grant, or enter into a contract, under this part shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each application for assistance under this part shall—

(1) set forth a program for carrying out one or more of the purposes set forth in this part and specifically identify each such purpose such program is designed to carry out;

(2) provide that such program shall be administered by or under the supervision of the applicant;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of such program;

(5) certify that the applicant has requested the State planning agency and local agency designated in section 223, if any, to review and comment on such application and indicate the responses of such State planning agency and local agency to such request;

(6) attach a copy of the responses of such State planning agency and local agency to such request;

(7) provide that regular reports on such program shall be sent to the Administrator and to such State planning agency and local agency; and

(8) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

(c) In determining whether or not to approve applications for grants and for contracts under this part, the Administrator shall consider—

(1) the relative cost and effectiveness of the proposed program in carrying out this part;

(2) the extent to which such program will incorporate new or innovative techniques;

(3) if a State plan has been approved by the Administrator under section 223(c), the extent to which such program meets the objectives and priorities of the State plan, taking into consideration the location and scope of such program;

(4) the increase in capacity of the public and private agency, institution, or individual involved to provide services to address juvenile delinquency and juvenile delinquency prevention;

(5) the extent to which such program serves communities which have high rates of juvenile unemployment, school dropout, and delinquency; and

(6) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than 40,000 located within States which have no city with a population over 250,000.

(d)(1)(A) Programs selected for assistance through grants or contracts under this part (other than section 241(f)) shall be selected through a competitive process to be established by rule by the Administrator. As part of such a process, the Administrator shall announce in the Federal Register—

(i) the availability of funds for such assistance;

(ii) the general criteria applicable to the selection of applicants to receive such assistance; and

(iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination that—

(i)(I) the proposed program is not within the scope of any announcement issued, or expected to be issued, by the Administrator regarding the availability of funds to carry out programs under this part, but can be supported by a grant or contract in accordance with this part; and

(II) such program is of such outstanding merit, as determined through peer review conducted under paragraph (2), that the award of a grant or contract without competition is justified; or

(ii) the applicant is uniquely qualified to provide proposed training services as provided in section 244 and other qualified sources are not capable of providing such services, and includes in such determination the factual and other bases thereof.

(C) If a program is selected for assistance without competition pursuant to the exception provided in subparagraph (B), the Administrator shall promptly so notify the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate. Such notification shall include copies of the Administrator's determination made under such subparagraph and the peer review determination required by paragraph (2).

(2)(A) Programs selected for assistance through grants or contracts under this part (other than section 241(f)) shall be reviewed before selection, and thereafter as appropriate, through a formal peer review process utilizing experts (other than officers and employees of the Department of Justice) in fields related to the subject matter of the proposed program.

(B) Such process shall be established by the Administrator in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the Administrator shall submit such process to such Directors, each of whom shall prepare and furnish to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

(3) The Administrator, in establishing the processes required under paragraphs (1) and (2), shall provide for emergency expedited consideration of the proposed programs if necessary to avoid any delay which would preclude carrying out such programs.

(e) A city shall not be denied assistance under this part solely on the basis of its population.

(f) Notification of grants and contracts made under this part (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator, to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate.

PART D—PREVENTION AND TREATMENT PROGRAMS RELATING TO JUVENILE GANGS

AUTHORITY TO MAKE GRANTS AND CONTRACTS

SEC. 281. The Administrator shall, by making grants to and entering into contracts with pubic and private nonprofit agencies, organizations, institutions, and individuals, establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes.

(2) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

(3) To provide treatment to juveniles who are members of such gangs and who are accused of committing a serious crime, including treatment following the adjudication of such juveniles of being delinquent.

(4) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act) by juveniles, provided through State and local health and social service agencies.

(5) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is provided under this part.

(6) To facilitate Federal and State cooperation with local school officials to identify and assist juveniles who are likely to participate in the activities of gangs that commit crimes.

(7) To establish and support programs that facilitate coordination and cooperation among local education, juvenile justice, employment, and social service agencies, for the purpose of preventing or reducing the participation of juveniles in activities of gangs that commit crimes.

APPROVAL OF APPLICATIONS

SEC. 282. (a) Any agency, institution, or individual desiring to receive a grant, or to enter into a contract, under this part shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each application for assistance under this part shall—

(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify

each such purpose such program or activity is designed to carry out;

(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

(3) provide for the proper and efficient administration of such program or activity;

(4) provide for regular evaluation of such program or activity;

(5) certify that the applicant has requested the State planning agency and local agency designated in section 223, if any, to review and comment on such application and indicate the responses of such State planning agency and local agency to such request;

(6) attach a copy of the responses of such State planning agency and local agency to such request;

(7) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency and local agency; and

(8) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

(c) In reviewing applications for grants and contracts under this part, the Administrator shall give priority to applications—

(1) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles, in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

(2) for assistance for programs and activities that have the broad support of organizations operating in such geographical areas, as demonstrated by the applicants.

[PART D—ADMINISTRATIVE PROVISIONS] *PART E—GENERAL AND ADMINISTRATIVE PROVISIONS*

AUTHORIZATION OF APPROPRIATIONS

SEC. **[261.]** *291.* (a) *(1)* To carry out the purposes of this title *(other than part D)* there is authorized to be appropriated such sums as may be necessary for fiscal years **[1985, 1986, 1987, and]** 1988, *1989, 1990, 1991, and 1992.* Funds may be appropriated for any fiscal year may remain available for obligation until expended.

(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated $10,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

(B) No funds may be appropriated to carry out part D of this title for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D) for such fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D) for the preceding fiscal year.

(b) Of such sums as are appropriated to carry out the purposes of this title *(other than part D)*—

(1) not to exceed **[7.5]** *5* percent shall be available to carry out part A;

(2) not less than [81.5] *70* percent shall be available to carry out part B; and

(3) [11] *25* percent shall be available to carry out part C.

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ADMINISTRATIVE AUTHORITY

SEC. [262.] *292.* (a) The Office shall be administered by the Administrator under the general authority of the Attorney General.

(b) Sections 809(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968,[1] as so designated by the operation by the operation of the amendments made by the Justice Assistance Act of 1984, shall apply with respect to the administration of and compliance with this Act, except that for purposes of this Act—

(1) any reference to the Office of Justice Programs in such sections shall be deemed to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

(2) the term "this title" as it appears in such sections shall be deemed to be a reference to this Act.

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[EFFECTIVE CLAUSE

[SEC. 263. (a) Except as provided by subsections (b) and (c), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

[(b) Section 204(b)(5) and 204(b)(6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(l) shall become effective at the close of the thirtieth day of the eleventh calendar month of 1976.

[(c) Except as otherwise provided by the Juvenile Justice Amendments of 1977, the amendments made by the Juvenile Justice Amendments of 1977 shall take effect on October 1, 1977.]

WITHHOLDING

SEC. 293. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds that—

(1) the program or activity for which the grant or contract involved was made has been so charged that it no longer complies with this title; or

(2) in the operation of such program or activity there is failure to comply substantially with any provision of this title;

the Administrator shall initiate such proceedings as are appropriate.

USE OF FUNDS

SEC. 294. (a) Funds paid pursuant to this title to any public or private agency, organization, or institution, or to any individual (either directly or through a State planning agency) may be used for—

(1) planning, developing, or operating the program designed to carry out this title; and

(2) not more than 50 per centum of the cost of the construction of any innovative community-based facility for fewer than 20 persons which, in the judgment of the Administrator, is necessary to carry out this title.

(b) Except as provided in subsection (a), no funds paid to any public or private agency, or institution or to any individual under this title (either directly or through a State agency or local agency) may be used for construction.

(c)(1) Funds paid pursuant to section 223(a)(10)(D) and section 261(a)(3) to any public or private agency, organization, or institution or to any individual shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this paragraph shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

(2) The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 261(a)(3) are used either directly or indirectly in any manner prohibited in this paragraph.

PAYMENTS

SEC. 295. (a) Payments under this title, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Administrator may determine.

(b) Except as provided in the second sentence of section 222(c) financial assistance extended under this title shall be 100 per centum of the approved costs of the program or activity involved.

(c)(1) In the case of a grant under this title to an Indian tribe, if the Administrator determines that the tribe does not have sufficient funds available to meet the local share of the cost of any program or activity to be funded under the grant, the Administrator may increase the Federal share of the cost therefore to the extent the Administrator deems necessary.

(2) If a State does not have an adequate forum to enforce grant provisions imposing any liability on Indian tribes, the Administrator may waive State liability attributable to the liability of such tribes and may pursue such legal remedies as are necessary.

(d) If the Administrator determines, on the basis of information available to the Administrator during any fiscal year, that a portion of the funds granted to an applicant under part C for such

fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 802 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended from time to time, that portion shall be available for reallocation in an equitable manner to States which comply with the requirements in paragraphs (12)(A) and (13) of section 223(a), under section 261(b)(6).

CONFIDENTIALITY OF PROGRAM RECORDS

SEC. 296. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed without the consent of the service recipient or legally authorized representative, or as may be necessary to carry out this title. Under no circumstances may program reports or findings available for public dissemination contain the actual names of individual service recipients.

TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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Subpart D—Pay and Allowances

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CHAPTER 53—PAY RATES AND SYSTEMS

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Subchapter II—Executive Schedule Pay Rates

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§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Administrator of General Services.

* * * * * * *

Administrator, Office of Juvenile Justice and Delinquency Prevention.

§ 5316. Positions at level V

Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Administrator, Agricultural Marketing Service, Department of Agriculture.

* * * * * * *

[Associate Administrator, Office of Juvenile Justice and Delinquency Prevention of the Law Enforcement Assistance Administration.]

* * * * * * *

RUNAWAY AND HOMELESS YOUTH ACT

* * * * * * *

[PART A—GRANTS PROGRAM

[PURPOSES OF GRANT PROGRAM]

PART A—RUNAWAY AND HOMELESS YOUTH GRANT PROGRAM

AUTHORITY TO MAKE GRANTS

SEC. 311. [(a) The Secretary is authorized to make grants and to provide technical assistance and short-term training to States, localities and private entities and coordinated networks of such entities in accordance with the provisions of this part and assistance to their families. Grants under this part shall be made equitably among the States based upon their respective populations of youth under 18 years of age for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth or otherwise homeless youth, and their families, in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of such youth in the community and the existing availability of services. Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with such youth.

[(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication and to the families of such juveniles.] *(a) The Secretary shall make grants to public and private entities (and combinations of such entities) to establish and operate (including renovation) local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of runaway or otherwise homeless youth, and their families, in a manner which is outside the law enforcement structure and the juvenile justice system.*

(b)(1) Subject to paragraph (2) and in accordance with regulations promulgated under this title, funds for grants under subsection (a)

shall be allotted annually with respect to the States on the basis of their relative population of individuals who are less than 18 years of age.

(2) Subject to paragraph (3), the amount allotted under paragraph (1) with respect to each State for a fiscal year shall be not less than $75,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Marina Islands shall be not less than $30,000 each.

(3) If, as a result of paragraph (2), the amount allotted under paragraph (1) with respect to a State for a fiscal year would be less than the aggregate amount of grants made under this part to recipients in such State for fiscal year 1988, then the amounts allotted to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allot under paragraph (1) with respect to such State for the fiscal year an amount equal to the aggregate amount of grants made under this part to recipients in such State for fiscal year 1988.

(4) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to private entities that have experience in providing the services described in such subsection.

* * * * * * *

ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under [this part,] *section 311(a),* an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway *and homeless youth* center, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians or to other homeless juveniles.

(b) In order to qualify for assistance under [this part] *section 311(a),* an applicant shall submit a plan to the Secretary [meeting the following requirements and including the following information. Each center—] *including assurances that the applicant—*

(1) [shall be] *shall operate a runaway and homeless youth center* located in an area which is demonstrably frequented by or easily reachable by runaway *and homeless* youth;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient proportion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway *and homeless youth* center, and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, social service personnel, school system personnel, and welfare personnel, and the return of runaway [youths] *and homeless youth* from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway *and homeless* youth and their families within the State in which the runaway *and homeless youth* center is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runway *and homeless youth* center is located;

(6) shall keep adequate statistical records profiling the children and family members which it serves, except that records maintained on individual runaway [youths] *and homeless youth* shall not be disclosed without the consent of the individual youth and parent or legal guardian to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway *and homeless* youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway [youths] *and homeless youth;*

(7) shall submit annual reports to the Secretary detailing how the center has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(9) shall submit a budget estimate with respect to the plan submitted by such center under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary.

GRANTS FOR A NATIONAL COMMUNICATION SYSTEM

SEC. 313. (a) With funds reserved under subsection (b), the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers.

(b) From funds appropriated to carry out this part and after making the allocation required by section 366(a)(2), the Secretary shall reserve—

(1) for fiscal year 1989 not less than $500,000;

(2) for fiscal year 1990 not less than $600,000; and

(3) for each of the fiscal years 1991 and 1992 not less than $750,000;

to carry out subsection (a).

GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

SEC. 314. The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities (and combinations of such entities) that are eligible to receive grants under section 311(a), for the purpose of assisting such entities to establish and operate runaway and homeless youth centers.

AUTHORITY TO MAKE GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

SEC. 315. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway and homeless youth.

(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

(1) juveniles who repeatedly leave and remain away from their homes;

(2) outreach to runaway and homeless youth;

(3) transportation of runaway and homeless youth in connection with services authorized to be provided under this part;

(4) the special needs of runaway and homeless youth programs in rural areas;

(5) the special needs of foster care home programs for runaway and homeless youth;

(6) transitional living programs for runaway and homeless youth; and

(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers.

(c) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants who provide services directly to runaway and homeless youth.

APPROVAL BY SECRETARY

SEC. [313.] *316.* An application by a State, locality, or private entity for a grant under [this part] *section 311(a)* may be approved by the Secretary only if it is consistent with the applicable provisions of [this part] and meets the requirements set forth in section 312. Priority shall be given to grants smaller than $150,000. In considering grant applications under [this part], priority shall be given to organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.

GRANTS TO PRIVATE ENTITIES; STAFFING

SEC. [314.] *317.* Nothing in this part shall be construed to deny grants to private entities which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway *and homeless youth* center. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

[PART B—RECORDS]

PART B—TRANSITIONAL LIVING GRANT PROGRAM

PURPOSE AND AUTHORITY FOR PROGRAM

SEC. 321. (a) The Secretary is authorized to make grants and to provide technical assistance to public and nonprofit private entities to establish and operate transitional living youth projects for homeless youth.

(b) For purposes of this part—

(1) the term "homeless youth" means any individual—

(A) who is not less than 16 years of age and not more than 21 years of age;

(B) for whom it is not possible to live in a safe environment with a relative; and

(C) who has no other safe alternative living arrangement; and

(2) the term "transitional living youth project" means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

ELIGIBILITY

SEC. 322. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund a transitional living youth project for homeless youth and shall submit to the Secretary a plan in which such applicant agrees, as part of such project—

(1) to provide, directly or indirectly, shelter (such as group homes, host family homes, and supervised apartments) and services (including information and counseling services in basic life skills, interpersonal skill building, educational advancement, job attainment skills, and mental and physical health care) to homeless youth;

(2) to provide such shelter and such services to individual homeless youth throughout a continuous period not to exceed 540 days;

(3) to provide, directly or indirectly, on-site supervision at each shelter facility that is not a family home;

(4) that such shelter facility used to carry out such project shall have the capacity to accommodate not more than 20 individuals (excluding staff);

(5) to provide a number of staff sufficient to ensure that all homeless youth participating in such project receive adequate supervision and services;

(6) to develop adequate plans for assisting such homeless youth to make the transition from supervised participation in such project to independent living or another appropriate living arrangement;

(7) to develop an adequate plan to ensure proper referral of homeless youth to social services, law enforcement, educational, vocational training, welfare, legal service, and health care programs;

(8) to develop an adequate plan of activities designed to advertise to homeless youth the availability of services under this part;

(9) to submit to the Secretary an annual report that includes information regarding the achievements of the project under this part carried out by the applicant and statistical summaries describing the characteristics of homeless youth who participate in such project in the year for which the report is submitted;

(10) to implement such accounting procedures and fiscal control devices as the Secretary may require;

(11) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under this part;

(12) to keep adequate statistical records profiling homeless youth which it serves and not to disclose the identity of individual homeless youth in reports or other documents based on such statistical records;

(13) not to disclose records maintained on individual homeless youth without the consent of the individual youth and parent or legal guardian to anyone other than an agency compiling statistical records or a government agency involved in the disposition of criminal charges against youth; and

(14) to provide to the Secretary such other information as the Secretary may reasonably require.

(b) In selecting eligible applicants to receive grants under this part, the Secretary shall give priority to entities that have experience in providing to homeless youth shelter and services of the types described in subsection (a)(1).

[PART C—AUTHORIZATION OF APPROPRIATIONS]

AUTHORIZATION OF APPROPRIATIONS

SEC. 331. (a) To carry out the purposes of part A of this title there is authorized to be appropriated such sums as may be necessary for fiscal years 1985, 1986, 1987, and 1988.

(b)(1) Subject to paragraph (2), to carry out the purposes of part B of this title, there are authorized to be appropriated $5,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

(2) No funds may be appropriated to carry out part B of this title for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this title exceeds $28,000,000.

[(b)] *(c)* The Secretary (through the Office of Youth Development which shall administer this title) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968,[1] as amended.

[(c)] *(d)* No funds appropriated to carry out the purposes of this title—

(1) may be used for any program or activity which is not specifically authorized by this title; or

(2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.

[PART C—AUTHORIZATION OF APPROPRIATIONS]

PART C—GENERAL PROVISIONS

ASSISTANCE TO POTENTIAL GRANTEES

SEC. [315.] *341.* The Secretary shall provide informational assistance to potential grantees interested in establishing runaway and homeless youth centers *and transitional living youth projects.* Such assistance shall consist of information on—

(1) steps necessary to establish a runaway and homeless youth center *or transitional living youth project,* including information on securing space for such center *or such project,* obtaining insurance, staffing, and establishing operating procedures;

(2) securing local private or public financial support for the operation of such center *or such project,* including information on procedures utilized by grantees under this title; and

(3) the need for the establishment of additional runaway *and homeless* youth centers in the geographical area identified by the potential grantee involved.

LEASE OF SURPLUS FEDERAL FACILITIES FOR USE AS RUNAWAY AND HOMELESS YOUTH CENTERS *OR AS TRANSITIONAL LIVING YOUTH SHELTER FACILITIES*

SEC. [316.] *342.* (a) The Secretary may enter into cooperative lease arrangements with States, localities, and nonprofit private agencies to provide for the use of appropriate surplus Federal facilities transferred by the General Services Administration to the Department of Health and Human Services for use as runaway and homeless youth centers *or as transitional living youth shelter facilities* if the Secretary determines that—

(1) the applicant involved has suitable financial support necessary to operate a runaway and homeless youth center *or transitional living youth project, as the case may be, under this title;*

(2) the applicant is able to demonstrate the program expertise required to operate such center in compliance with this title, whether or not the applicant is receiving a grant under this part; and

(3) the applicant has consulted with and obtained the approval of the chief executive officer of the unit of general local government in which the facility is located.

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PART D—ADMINISTRATIVE PROVISIONS

REPORTS

SEC. [317. THE SECRETARY SHALL ANNUALLY] *361. (a) Not later than 180 days after the beginning of each fiscal year, the Secretary shall* report to the Congress on the status and accomplishments of the [runaway centers] *runaway and homeless youth centers* which are funded under [this part] *part A* with particular attention to—

(1) their effectiveness in alleviating the problems of [runaway youth] *runaway and homeless youth;*

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

(4) their effectiveness in helping youth decide upon a future course of action.

(b) The Secretary shall annually report to the Congress on the status and accomplishments of the transitional living youth projects which are funded under part B, with particular attention to—

(1) the number and characteristics of homeless youth served by such projects;

(2) describing the types of activities carried out under such projects;

(3) the effectiveness of such projects in alleviating the immediate problems of homeless youth;

(4) the effectiveness of such projects in preparing homeless youth for self sufficiency;

(5) the effectiveness of such in helping youth decide upon future education, employment, and independent living; and

(6) the ability of such projects to strengthen family relationship, and encourage the resolution of intra-family problems through counseling and the development of self-sufficient living skills.

FEDERAL SHARE

SEC. [318.] *362.* (a) The Federal share for the [acquisition and] renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

RECORDS

SEC. [321.] *363.* Records containing the identity of individual youth pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

ANNUAL PROGRAM PRIORITIES

SEC. 364. (a) The Secretary shall develop for each fiscal year, and publish annually in the Federal Register for public comment a proposed plan specifying the subject priorities the Secretary will follow in making grants under this title for such fiscal year.

(b) Taking into consideration comments received in the 45-day period beginning on the date the proposed plan is published, the Secretary shall develop and publish, before December 31 of such fiscal year, a final plan specifying the priorities referred to in subsection (a).

COORDINATION WITH ACTIVITIES

SEC. 365. With respect to matters relating to communicable diseases, the Secretary shall coordinate the activities of health agencies in the Department of Health and Human Services with the activities of the entities that are eligible to receive grants under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. [331. (a)] *366. (a)(1)* To carry out the purposes of part A of this title there is authorized to be appropriated such sums as may be necessary for fiscal years [1985, 1986, 1987, and] 1988, *1989, 1990, 1991, and 1992.*

(2) Not less than 90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 311(a) in such fiscal year.

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MISSING CHILDREN'S ASSISTANCE ACT

* * * * * * *

DUTIES AND FUNCTIONS OF THE ADMINISTRATOR

Sec. 404. (a) The Administrator shall—

(1) issue such rules as the Administrator considers necessary or appropriate to carry out this title;

(2) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all federally funded programs relating to missing children (including the preparation of an annual comprehensive plan for facilitating such coordination);

(3) provide for the furnishing of information derived from the national toll-free telephone line, established under subsection (b)(1), to appropriate [law enforcement] entities;

(4) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this title; *and*

[(5) analyze, compile, publish, and disseminate an annual summary of recently completed research, research being conducted, and Federal, State, and local demonstration projects relating to missing children with particular emphasis on—

[(A) effective models of local, State, and Federal coordination and cooperation in locating missing children;

[(B) effective programs designed to promote community awareness of the problem of missing children;

[(C) effective programs to prevent the abduction and sexual exploitation of children (including parent, child, and community education); and

[(D) effective program models which provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction or sexual exploitation; and]

(5) not later than 180 days after the end of each fiscal year, submit a report to the President, Speaker of the House of Representatives, and the President pro tempore of the Senate—

(A) containing a comprehensive plan for facilitating cooperation and coordination in such fiscal year among all agencies and organizations with responsibilities related to missing children;

(B) identifying and summarizing effective models of Federal, State, and local coodination and cooperation in locating and recovering missing children;

(C) identifying and summarizing effective program models that provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction,

(D) describing how the Administrator satisfied the requirements of paragraph (4) in the preceding fiscal year;

(E) describing in detail the number and types of telephone calls received in the preceding fiscal year over the national toll-free telephone line established under subsection (b)(1)(A) and the number and types of communications referred to the national communications system established under section 313;

(F) describing in detail the activities in the preceding fiscal year of the national resource center and clearing house established under subsection (b)(2);

(G) describing all the programs for which assistance was provided under section 405 in the preceding fiscal year; and

(H) summarizing the results of all research completed in the preceding year for which assistance was provided at any time under this title.

[(6) prepare, in conjunction with and with the final approval of the Advisory Board on Missing Children, an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children.]

(b) The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

(1)*(A)* establish and operate a national *24-hour* toll-free telephone line by which individuals may report information regarding the location of any missing child, or another child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertain-

ing to procedures necessary to reunite such child with such child's legal custodian; *and*

(B) coordinating the operation of such telephone line with the operation of the national communications system established under section 313;

(2) establish and operate a national resource center and clearinghouse designed—

[(A) to provide technical assistance to local and State governments, public and private nonprofit agencies, and individuals in locating and recovering missing children;]

(A) provide to State and local governments, public and private nonprofit agencies, and individuals information regarding—

(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing children and their families; and

(ii) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families;

* * * * * * *

(D) to provide technical assistance to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of the missing and exploited child case *and in locating and recovering missing children,* and

* * * * * * *

(3) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year[.] *; and*

(4) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.

[ADVISORY BOARD

[SEC. 405. (a) There is hereby established the Advisory Board on Missing Children (hereinafter in this title referred to as the "Advisory Board") which shall be composed of 9 members as follows:

[(1) a law enforcement officer;

[(2) an individual whose official duty is to prosecute violations of the criminal law of a State;

[(3) the chief executive officer of a unit of local government within a State;

[(4) a statewide elected officer of a State;

[(5) the Director of the Federal Bureau of Investigation or the Director's designee from within the Federal Bureau of Investigation; and

[(6) 4 members of the public who have experience or expertise relating to missing children (including members representing parent groups).

[(b) The Attorney General shall make the intitial appointments to the Advisory Board not later than 90 days after the effective date of this title. The Advisory Board will meet periodically and at the call of the Attorney General, but not less frequently than annually. The Chairman of the Advisory Board shall be designated by the Attorney General.

[(c) The Advisory Board shall—

[(1) advise the Administrator and the Attorney General in coordinating programs and activities relating to missing children which are planned, administered, or assisted by any Federal program;

[(2) advise the Administrator with regard to the establishment of priorities for making grants or contracts under section 406; and

[(3) approve the annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities relating to missing children and submit the first such annual plan to the President and the Congress not later than eighteen months after the effective date of this title.

[(d) Members of the Advisory Board, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.]

GRANTS

SEC. [406.] *405.* (a) The Administrator is authorized to make grants to and enter into contracts with public agencies or nonprofit private organizations, or combinations thereof, for research, demonstration projects, or service programs designed—

(1) * * *

* * * * * * *

(5) to collect detailed data from selected States or localities on the actual investigative practices utilized by law enforcement agencies in missing children's cases; [and]

(6) to address the particular needs of missing children by minimizing the negative impact of judicial and law enforcement procedures on children who are victims of abuse or sexual exploitation and by promoting the active participation of children and their families in cases involving abuse or sexual exploitation of children[.] ;

(7) to address the needs of missing children (as defined in section 403(1)(A)) and their families following the recovery of such children; and

(8) to reduce the likelihood that individuals under 18 years of age will be removed from the control of such individuals' legal custodians without such custodians' consent.

CRITERIA FOR GRANTS

SEC. [407.] *406.* The Administrator, in consultation with the Advisory Board, shall establish annual research, demonstration, and service program priorities for making grants and contracts pursuant to section [406] *405* and, not less than 60 days before establishing such priorities, shall publish in the Federal Register for public comment a statement of such proposed priorities.

AUTHORIZATION OF APPROPRIATIONS

SEC. [408.] *407.* To carry out the provisions of this title, there are authorized to be appropriated [$10,000,000 for fiscal year 1985, and] such sums as may be necessary for fiscal years [1986, 1987, and 1988,] *1989, 1990, 1991, and 1992.*

SPECIAL STUDY AND REPORT

SEC. 408. (a) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study to determine the obstacles that prevent or impede individuals who have legal custody of children from recovering such children from parents who have removed such children from such individuals in violation of law.

(b) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Secretary shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under subsection (a).

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